

**TOWN OF DILLON
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING
WEDNESDAY, MAY 6, 2020**

5:30 p.m.

**VIRTUAL MEETING VIA MICROSOFT TEAMS
CONFERENCE ID: 750 921 592#**

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, May 6, 2020 at Dillon Town Hall. Chair Teresa England called the meeting to order at 5:30 p.m. Commissioners present were Teresa England; Charlie Oliver, Bill Engelman and Alison Johnston. Staff members present were Dan Burroughs, Town Engineer; Ned West, Town Planner; Scott O'Brien, Public Works Director; Carri McDonnell, Finance Director; Nicolas Cotton-Baez, Town Attorney and Michelle Haynes, Recording Secretary.

APPROVAL OF THE MINUTES OF MARCH 4, 2020 REGULAR MEETING

Commissioner Johnston moved to approve the minutes from the March 4, 2020 regular meeting. Commissioner Oliver seconded the motion, which passed unanimously.

APPOINT VICE CHAIRPERSON

Commissioner Alison Johnston was appointed as Vice Chairperson.

CONSIDERATION OF RESOLUTION PZ 04-20, SERIES OF 2020 (NOT A PUBLIC HEARING)

A RESOLUTION APPROVING A MASTER SIGN PLAN AMENDMENT FOR THE MULTI-TENANT BUILDING LOCATED AT 765 W. ANEMONE TRAIL.

PUBLIC HEARING:

A Public Hearing was not required for this application.

Chair Teresa England opened the hearing at 5:35 p.m.

Sam Brown was in attendance for any questions. Ned West, Town Planner, presented the staff summary.

PROJECT LOCATION:

A multi-tenant building located at 765 W. Anemone Trail, Dillon.

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 765 W. Anemone Trail. The Amendment adds some signs and moves the location of a sign. 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.

COMMISSIONER QUESTIONS:

Commissioners asked questions which addressed questions to clarify if all current tenant signs meet the standards of the new Master Sign Plan. Staff provided the information requested and advised all current signs follow the new Master Sign Plan.

HEARING CLOSED:

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

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Allison Johnson moved to approve Resolution No. PZ 04-20 Series of 2020. Commissioner Charlie Oliver seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 05-20, SERIES OF 2020 (PUBLIC HEARING)

A RESOLUTION RECOMMENDING THE APPROVAL OF A MAJOR PUD AMENDMENT FOR THE DILLON URGENT CARE & RESIDENCES PUD DEVELOPMENT PLAN LOCATED AT 956 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 hearing at 5:50 p.m.

The Applicant, Dr. Assi representing Pikes Peak Professional Services, LLC was in attendance in addition to his Architects Tom Jarmon and Eric Smith from Eric Smith & Associates. Dr. Assi gave an introduction of himself and the purpose of this project. He stated a need for additional urgent care clinics in the Summit County community and how he would enjoy serving this community with this facility. He explained the need for providing dedicated workforce housing to the clinic staff to ensure that the clinic can open on time everyday, especially on bad weather days.

Dan Burroughs, Town Engineer, presented the staff summary and went through the attached powerpoint presentation. The main purpose of the Major PUD amendment is to raise both buildings for constructability issues. This change resulted in the separate condominium building on Lot 45B to be 6.6’ above the maximum building height allowed in the Mixed-use (MU) zone district. This is a special condition requested for the major PUD amendment application. A new second driveway is proposed along the Dillon Dam brewery lot line to serve the residential building on Lot 45B. The original driveway will now only serve the clinic parking lot on Lot 45A and the trash enclosure. The separate driveway was required because the finished floor elevation of the garage sits several feet above the clinic parking lot. The driveway has small boulder walls proposed along both sides and will be constructed on top of the sanitary sewer easement, which is acceptable to the Town. The applicant is also proposing new driveway identification signs for each driveway to help differentiate the residential driveway from the clinic driveway.

The architecture of both buildings is essentially the same as the approved.

The unit mix of the condominium building is also a proposed change in this amendment. Both the approved and proposed PUDs have 18 units for Lot 45B. The residential unit mix of the approved PUD is six (6) 3-Bedroom Units and (12) 2-bedroom units. The proposed amendment revised the unit mix to be three (3) 1-bedroom units, five (5) 2-Bedroom units, five (5) 3-Bedroom units, and five (5) 4-bedroom Units. The new configuration reduced the required parking spaces from 36 down to 35 parking spaces.

The proposed and revised parking were presented for each lot and the applicant is providing more parking than required by code on both lots. The snow storage provided was also presented. The driveway area to the Lot 45B has more than the required snow storage. The clinic parking lot on Lot 45A is not providing the required 25% minimum snow storage area. Dan stated that a condition of approval would require the

applicant to haul off snow from these parking lots when the snow storage is exceeded. He also stated that most of the approved PUD's in Town have this condition including Dillon Ridge marketplace and Ridge at Dillon PUD.

The Town engineer stated that the revised grading, storm sewers and drainage patterns adequately direct site runoff to the detention ponds located at the front of the site next to West Anemone trail. A wall along the back side of the lot was eliminated in the new grading design.

The landscaping was revised significantly from the approved PUD due to number of utility easements which encumber the side and back lot lines. The trees along the back lot line were eliminated due to the newly required Town of Dillon sanitary sewer easement located along the back of Lot 45B. The trees near the front of the building have been reduced to keep trees out of the fire hydrant easement at the front of the lot.

The new height of the condominium building was reviewed in detail and Dan presented all of the new renderings and cross sections provided by the applicant in the powerpoint presentation.

The revised PUD Sign plan for the project was reviewed. The applicant is asking for a second 85 square foot sign on the north side of the clinic building facing the Dillon Dam brewery. The PUD sign plan approved by the minor PUD amendment in July of 2019 allowed for four building signs with a total combined area of 247 square feet. The PUD amendment is requesting five building signs and two small driveway signs for a total of 307 square feet. The proposed amendment proposes a revised PUD sign plan with the following dimensional standards:

Lot 45A: Urgent Care Sign 2A at 85 Square Feet (Facing North)
Lot 45A: Urgent Care Sign 2B at 85 Square Feet (New Sign facing east)
Lot 45A: Urgent Care Sign 3 at 32 Square Feet (Facing West @ clinic entry)
Lot 45A Signage Total = 202 Square feet

Lot 45B: Multi-family Tower Sign 1A at 74 Square Feet
Lot 45B: Multi-family Entry Sign 1B at 25 Square Feet
Lot 45B Building Signage Total = 99 Square Feet

Residential Driveway Entry Sign at 3 Square Feet
Clinic Driveway Entry Sign at 3 Square Feet
Total driveway entry signage = 6 Square Feet

Total PUD Sign Plan Area: 307 Square Feet

Sign 1A exceeds the twenty foot (20') maximum length set forth in the Code when applied to the vertical orientation of the sign.

The following changes to the Conditions of Approval in the resolution were discussed:

Condition "D" was modified to reflect the new fire hydrant configuration.

Condition "E" the sanitary sewer easement encroachment language was expanded to include the new residential driveway and the concrete stairways next to the building.

Condition "I" was modified to reflect a maximum allowable height of 8940.50'.

Condition “K” was modified to have the Developer haul off snow when the snow storage areas are full.

Condition “M” was modified to reflect the revised PUD sign plan.

Condition “N” clarified the need for the Developer to submit a separate development application to obtain approval of a condominium map for the Residential Building on Lot 45B.

Condition “Q” was added to require a new access easement across Lot 45A between the W. Anemone Trail and the Lot 45B property line for access to the residential condominium building on Lot 45B.

PROJECT LOCATION:

Located at 956 W. Anemone Trail, Dillon.

SUMMARY:

The Town of Dillon has received a Level IV Development application for a Major Amendment to the Dillon Urgent Care and Residences PUD Development Plan (the “PUD”). The approved PUD consists of a phased construction project containing a commercial building on Lot 45A, and a residential condominium building on Lot 45B.

The Lot 45A phase would consist of the construction of a commercial clinic building, utility and drainage infrastructure, and the commercial parking lot. The commercial building would contain an Urgent Care center with three (3) attached Workforce Housing apartment units to be used by employees of the clinic to ensure staffing of the clinic.

The Lot 45B phase of the project consists of an 18-unit condominium building with underground parking garage and resident storage units on the backside of the building.

COMMISSIONER QUESTIONS:

Commissioners asked questions about a few different topics.

Signage: Has a light pollution study been performed? Do the Signs have to be on 24 hours a day or can they just be on during business hours (8am-8pm)? This information has not been provided but is something the applicant can look in to.

Traffic: The traffic was addressed as being a concern. They were curious about what happens when people get lost and end up in the neighborhood. Has a traffic study been completed? Staff informed the commission that the traffic volume on this street and the additional traffic produced by the proposed development would be relatively low and does not warrant a traffic study. Additional signage at each entrance will direct traffic to either the residential driveway or the clinic driveway.

Setbacks (yards): With the new proposal they have eliminated a retaining wall along the back property line. The commission questioned the lack of setbacks around the building as it does not allow for much snow storage or landscaping. Staff provided additional information about the setbacks and advised that all setbacks comply with the previously approved PUD project. Dan Burroughs later did state that it appeared that the shift of the clinic building to the west did result in the northwest corner of the building encroaching on the 25’ front yard. He also stated that the PUD can allow different setbacks & yards from the underlying zone district requirements.

Snow Storage: The snow storage will not be large enough on site, they will have to haul off snow as needed, they are asking for forgiveness on this matter.

Trash: Commissioner England asked if the trash receptacle was a joint unit for both residential and commercial use? And the location does not seem appropriate if being used for both buildings, requesting it be moved. The Applicant reassured the committee that it is in a good location and if it needs to be reassessed, they will do so.

What is the intention of the employee housing? Will it house local residents or employees from outside of Summit County? The applicant informed the committee that the intention is to employ and house only local residents if clinic workers can be found locally. But if a staffing crisis was to come about, he would have to bring people in from elsewhere to keep the clinic staffed and provide the medical benefit to the community.

PUBLIC COMMENTS:

Written Public comments were read into the record and can be found in Attachment "A".

The following members of the public addressed the Commission with additional testimony; Mack Koepke, Harry Saulsman, Suzanne Pugsly, Scott Wilson, Misty McMillin, Peter Kyle, Alex Harvey, David Sklivinsky, Craig McMillin, and Bill Beasley. The gist of the comments are summarized as follows:

The listed citizens expressed their concerns on several items. The main concern was the new proposed height of the building. The new height will take the views away from the condominiums surrounding the Urgent Care.

The proposed Urgent Care signs are too large and too bright. The citizens are anxious that the light pollution from the sign will be seen inside their homes 24 hours a day.

The noise and traffic that the proposed development will create will have a severely adverse impact to the neighboring homes.

They raised a concern that the above issues will lead to a decrease in the property values of the surrounding units.

The increased size of the building will also lead to more questions and concerns about the project itself. With the new proposal they have eliminated one of the retaining walls at the south side of the lot, which some feel is necessary. The lack of buffer around the building is also concerning. By building up to the perimeter of the lot, it doesn't allow for much snow storage or landscaping.

PUBLIC HEARING CLOSED:

Chair Teresa England closed the public hearing at 9:21 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Teresa England moved to make a motion to continue the Public Hearing for Resolution No. PZ 05-20 Series of 2020 to the June 3, 2020 Town of Dillon Planning Commission meeting. Commissioner Alison Johnson seconded the motion, which passed unanimously.

PUBLIC COMMENTS

There was no public present at Public Comments Sign In, no public comments were made on items not on the agenda.

CONFIRM REGULAR PLANNING & ZONING MEETING ON June 3, 2020.

All following commissioners confirmed they will attend the June 3, 2020 regular meeting; Teresa England, Alison Johnston, Charlie Oliver, and Bill Engelman.

PROJECT UPDATES:

- Homewood Suites: Framing underway.
- Panera Bread: Breaking ground this summer.
- Sail Lofts: Phase two is underway, roof framing underway
- Uptown 240: Foundation is underway.
- Vail Health: Excavation underway, temporary shoring in place.

OTHER BUSINESS:

We are currently looking to fill the non-resident vacancy for the Planning and Zoning Commission.

ADJOURNMENT

There being no further business, Teresa England adjourned the meeting at 9:26 p.m.

Respectfully submitted,

Michelle Haynes

Michelle Haynes
Secretary to the Commission

Subject: PZ 05-20 Proposed Urgent Care Facility and Condos
Date: Monday, May 4, 2020 at 7:26:44 PM Mountain Daylight Time
From: Lori mcWain
To: Dan Burroughs

Hello

I am one of the owners of the townhouses above the proposed development. I am very concerned about the amendments, and would like to protest the following as I cannot attend the meeting on Wednesday.

1. Height: the extra 7 feet they are now proposing to add to the bottom of the building (already 3 stories high, but they want to add another 7' to the bottom due to water table issues. This could potentially affect our views.
2. No Buffer: the lack of buffer around the building, build up to the perimeter of our fence.
3. Their Sign: will be color red and on 24 hours, trying to get variance to have their sign nearly 100x's bigger than town allows. Normal is 150 sqft, theirs will be 300 sqft. This huge sign is obnoxious and will cast red light back up through the glass doors on all 3 floors.

Thank you in advance for considering my concerns about this development. This will block our view, create additional noise, result in obnoxious light (red neon sign) and potentially bring down the value of our property.

Lori McWain
724 E Anemone Trail
Dillon, CO

Subject: Urgent Care PUD

Date: Tuesday, May 5, 2020 at 2:55:27 PM Mountain Daylight Time

From: Alex Harvey

To: Dan Burroughs

Dear Dan,

Thanks for the follow up call.

I own a condo at 718A E. Anemone. I reviewed the revised PUD today and was surprised to see that the elevation of the elevator is 11 feet higher than in the original PUD (2018 version). The building is 7 feet higher.

Is there a more detailed analysis of how the views from Eagleview will be affected? We at Eagle View were OK with the original PUD, but are concerned with the significant increase in height. Our analysis of the original plan indicated minimal impact on the view. The new PUD essentially adds another story in height and significantly increases the building surface area that will face our town homes.

It sounds like there are significant geotechnical issues. Is there a copy of the geotechnical report available?

Thank you for your time.

Alex Harvey



Subject: Dillon Urgent Care & Residences PUD Development Plan
Date: Tuesday, May 5, 2020 at 8:58:59 AM Mountain Daylight Time
From: DAVID SERVINSKY
To: Dan Burroughs

Dan

This email is in response to the proposed hearing to be held on 6 May 2020 at 5:30 dealing with the Subject Line above.

I am Colonel David E. Servinsky, US Army (Ret.). I own the town house at 724B East Anemone Trail, Dillon, CO. I was notified of the hearing because my property is inside of 300 feet of the proposed development.


I have not responded to earlier hearings on the development because, frankly, I felt my opposition would not matter and my voice would not be heard. However, with the latest proposal, I can only conclude that this is slow death by a thousand cuts!

I purchased the Town Home because I loved the small mountain town environment of Dillon. I wanted to get away from living in the city of Denver once I retired. (I worked at Buckley Air Force Base in Aurora.) As a Ph.D., I did my research to see that where I was buying was not directly bordering a commercial property. That was changed once the Town agreed to rezone the property directly bordering mine. Then after adopting multiple variances, the developer continues to ask for more! They want exceptions to build much too close to the property line. They want to place high density housing into a lot that used to have only a small single family home. They propose to cram a commercial building into that same small lot. They propose to split the single family lot into two lots. And they now want to significantly increase the height of the building! Furthermore, they want to place a large lighted sign on the building! These actions are the straw that broke the camel's back and have forced me to act!

I respectfully request that the Town Council consider what they are doing. The Town needs a vision! We don't need "big city" buildings in our small town. Let's keep Dillon a quaint small mountain town. Be respectful of our environment. The noise, traffic and light pollution that the proposed development would cause will have a severely adverse impact to our neighborhood. Do NOT allow further variances to allow the developer to act as if building in a large urban area. Please keep our vision of the Town of Dillon to be what it has always been! Please avoid the adverse of seeking out additional tax dollars on the backs of those who already own property in the immediate proximity to this proposed development! You must conclude that building such a large complex will adversely change the sight and feel of the neighborhood and the Town. It will clearly reduce the property values for nearby homes. It will further destroy our local goal for "dark skies."

Bottom line: I strongly urge that you not allow any further variances to this planned development!

Very Respectfully,

David E. Servinsky, Ph.D.
Colonel, US Army (Ret.)


Subject: Dillon Urgent Care & Residences PUD Development Plan
Date: Tuesday, May 5, 2020 at 4:28:04 PM Mountain Daylight Time
From: Harry Salzman
To: Dan Burroughs
Attachments: image003.jpg

Dan Burroughs, P E
Town Engineer, Community Development Coordinator

Here are my concerns about the Proposed PUD Amendment:

I am against " Raise Finished Floor of the Clinic Building"

I am against " Raise the Finished floors of the Residential Building"

City planning rules as to heights of any building are a proactive guideline for developers to maintain. The proposed raising of the finished floors of the clinic and residential floors will require the building to be raised by 7 feet which goes against current building height guidelines. If the building were to be raised by 7 feet, that would not be any type of benefit to contingent property owners. The additional height should not happen. Therefore, the owner and or developer, should remove the top floor.

The current plans include installation of a retaining wall on the south side of the lot. The proposed change would eliminate this wall. I am against the elimination of the retaining walls at the south side of the lot. The retaining wall is necessary to prevent erosion onto contingent properties after heavy rains. The elimination of said walls is impractical for the contiguous properties. Just look over a long period of time along with heavy rain and large dumps of snow. In fact, this PUD does not have a large enough snow storage area within the actual lot lines. Therefore, the existing PUD plan that includes an implementation of said retaining wall is absolutely necessary.

I believe that the proposed "Urgent Care" red-colored sign doesn't meet the sign code. Additionally, I'm concerned that the sign will be on 24/7. A perpetually lit sign will impose artificial brightness to the contingent properties in addition to the condo owners in the same building. The brightness will take away from property rights to nearby property owners. The latest time that the sign should be on is 9 or 10 p.m. to decrease the light pollution in the area.

If the building takes place as shown on the Major PUD Amendment, the development is Not a Mutual Benefit for the developer and neighbors nor even a Community Benefit. The proposed multiple land use requirements of this building are not at the same level of Development as the new Hilton Hotel and Uptown 240 on Lake Dillon Dr. Since the Town of Dillon gave a high level of exterior requirements of those two new complexes, the same level of master planned exterior requirements should be applied to the subject property.

Why did this developer wait so long to obtain a soils report?

The Bottom line here is that the Planning and Zoning Commission should deny this request. This request takes away from Property Rights of contiguous and existing owners of Townhomes and Condos.

I plan to attend the virtual meeting tomorrow regarding this issue.

Subject: PZ 05-20 urgent care and condos

Date: Monday, May 4, 2020 at 7:27:31 PM Mountain Daylight Time

From: Terry Armstrong

To: Dan Burroughs

Hello

As an owner of one of the townhouses above this proposed development, I want to express my concerns as follows: (1) the extra 7 ft height that will block our view, (2) the extremely large red neon sign that is twice the size that will cast neon blinking light into every floor of my home, and the lack of buffer up to our property line.

In addition to affecting our view, the constant noise, I am concerned about the impact on our property value as well.

Thanks for your time and consideration on this matter.

Sincerely,

Terry Armstrong


Sent from my iPhone

Subject: Objection to the proposed development plan for Urgent Care and Residences

Date: Tuesday, May 5, 2020 at 2:30:25 PM Mountain Daylight Time

To: Dan Burroughs

Dear Dillon Town Council,

I am Jack Marusarz, the owner of the Dillon Inn, the owner of 726A East Anemone Trail, and the developer for the five townhomes comprising the East Anemone Trail Home Owners Association. I strongly object to the Town agreeing to variances to our Town codes to permit the proposed changes the developer is requesting for several reasons. Let me enumerate:

1. If you look at what I developed for the Dillon Inn and the Town Homes on East Anemone Trail, I kept my business and residential development within the character of our small town. I kept open space at each to better fit with what my customers and neighbors want when they visit Summit County to appreciate its beauty.
2. The large sign will impose light at night to my clients at the Dillon Inn, ruining their appreciation of our night sky and amazing views of the stars and planets. It is one of the many things that attract visitors to Summit County.
3. The height of the building will also wreck the view corridor for my clients at the hotel. That will certainly damage the experience for my guests at the hotel. It very well may also hurt my business decrease the property values at both my home and business.
4. The developer is wedging two large buildings into a relatively small space. Such a plan might be acceptable in a city but is not fitting for our community. There must be more open space in and around the buildings. Their building plan infringes upon both of my properties and does not have a large enough setback. This is not how we should build in our town.

Therefore, I respectfully request that you deny all of the changes the developer is requesting. Please have the developer respect our community by building in a fashion that is in keeping with our amazing town!

Sincerely,

Jack Marusarz

Subject: Concerned with Changes to Dillon Urgent Care PUD
Date: Tuesday, May 5, 2020 at 4:38:10 PM Mountain Daylight Time
From: Scot Wilson
To: Dan Burroughs

Hello Dillon Planning & Zoning Commission,

My wife and I are full-time year-round residences at the Eagle View Estates complex, 716 E Anemone Trail, and we would like to voice our concerns about the proposed height increases to the Dillon Urgent Care & Residences PUD Development Plan. One of the major considerations we had when buying our home was the unobstructed views we had from both our main living space on the second level as well as the bedrooms on the 3rd level. These views do not just add significant value to our home, but they also impact our quality of life and enjoyment of our home. It is these views that welcome us every morning and every evening after a long day of work – they are important to our happiness and mental health.

The proposed height increase will significantly impact our sight lines of Red and Buffalo Mountains, because at minimum the change will bring the new development's roof to our townhome's second floor and the elevator shaft will reach the height of our third floor. With these views lost, the value of our property will decrease significantly. Resale of our home will likely be difficult with new complexes in the neighborhood, and without a mountain view the difficulties will be even greater.

We support the extra benefits of having another urgent care facility in our county; however we do NOT support a variance to Town code in order to complete this project. Thank you for your time and consideration of our concerns on this matter.

Sincerely,

Scott & Tasha Wilson

716 E Anemone Trail #M

Subject: Comments for Dillon Urgent Care & Residences PUD Development Plan

Date: Tuesday, May 5, 2020 at 1:33:35 PM Mountain Daylight Time

From: Diane Godfrey

To: Dan Burroughs

Hello Dan,

I am Diane Godfrey, property owner of 724 A East Anemone Trail and 39 year resident of Summit County.

Over my many years of living in this beautiful mountain community I have witnessed many changes, most noticeably the extensive development. I have supported most of this growth knowing that it was benefiting our lives by bringing more employment and enrichment opportunities to our once, tiny towns.

However, some building in our community has not always been done with the foresight it deserves: case in point, the condo structures surrounding the lake in "Downtown Dillon". These buildings were constructed with no thought about what a future Town of Dillon could look like; they block the view of the lake from the town center, which should be a focal point for our town.

Our hope, drawing from all past development experience, is that we continue expansion with responsible growth in mind by adhering to the established building codes. These codes, while not meant to restrict growth, were enacted to help preserve the character of our mountain community. Our town leaders believed that in order to continue to draw tourism to our area, we would have to retain our small town ambience.

I am not only concerned that this development will impact my property values, but also by continuing to approve waiver after waiver, the town is losing sight of why building codes were established in the first place. This structure (or two structures) are massive and are too large for the lot where they sit. The town approved the initial proposal even though the development does not blend in with any of the surrounding architecture either in scope or design. I did not initially object to this as I am in agreement for the need of additional work housing and an urgent care facility for our community.

Unfortunately, the developers have continued to push for multiple exceptions to our building codes and the town just continues to approve? We should hold the developers accountable to build within our established planning and zoning codes!

I am disputing a number of these proposed changes:

1. The new proposed changes to the height of the residence building adds nearly another story to the structure which will even more negatively impact the view corridors of not just my home, but also all of the other homes in our East Anemone Trail neighborhood. This obviously negatively impacts our property values as well. If the developer is experiencing issues with the water table, then they should make other modifications to their plans which will allow them to remain within town code. The developers could adjust the "tower" height or floor heights to fall under the allowed height set by our town. Once our town makes an exception for this developer,

this will set precedent for all future developments.

2. Why is there no buffer between the new structures and the property lines, the developers have proposed building up to the edge. We have building codes for setbacks that are not being adhered to. The building(s) look to be spilling over into the neighboring properties! Definitely, not in keeping with our small, mountain community-look. The tower makes the building(s) look like a city sky-scraper(s) by comparison to the adjacent developments. Where is the room for snow storage, landscaping or open space?
3. The proposed 300 square foot, three-sided RED urgent care sign is blatantly excessive. This proposal nearly doubles the size restriction set by our town of 150 square feet. The neon nature of this monstrous sign will make it visible from inside many of the surrounding private homes and is in conflict with our dark-sky ordinances. In this era of universal smart phone usage, signage is less critical; drivers no longer need to depend on signage to locate their destination. Ubiquitous use of navigation systems eliminates any guess work.

Thank you for your consideration and I look forward to tomorrow's online meeting.

Respectfully,

Diane Godfrey



Subject: Re: Comments for Dillon Urgent Care & Residences PUD Development Plan
Date: Tuesday, May 5, 2020 at 1:58:40 PM Mountain Daylight Time
From: Liz Collins
To: Diane Godfrey
CC: Dan Burroughs

Thank you Diane!

Hello Dan,

I agree with Diane on all she has said here, and essentially add my name to these statements.

Liz Collins
726 E. Anemone Trail, 726B
Dillon, CO

See Previous Email from Diane Godfrey

On May 5, 2020, at 1:33 PM, Diane Godfrey <godfreydiane@hotmail.com> wrote:

Hello Dan,

I am Diane Godfrey, property owner of 724 A East Anemone Trail and 39 year resident of Summit County.

Over my many years of living in this beautiful mountain community I have witnessed many changes, most noticeably the extensive development. I have supported of most of this growth knowing that it was benefiting our lives by bringing more employment and enrichment opportunities to our once, tiny towns.

However, some building in our community has not always been done with the foresight it deserves: case in point, the condo structures surrounding the lake in "Downtown Dillon". These buildings were constructed with no thought about what a future Town of Dillon could look like; they block the view of the lake from the town center, which should be a focal point for our town.

Our hope, drawing from all past development experience, is that we continue expansion with responsible growth in mind by adhering to the established building codes. These codes, while not meant to restrict growth, were enacted to help preserve the character of our mountain community. Our town leaders believed that in order to continue to draw tourism to our area, we would have to retain our small town ambience.

I am not only concerned that this development will impact my property values, but also by continuing to approve waiver after waiver, the town is losing sight of why building codes were established in the first place. This structure (or two structures are massive and are too large for the lot where they sit. The town approved the initial proposal even though the development does not blend in with any of the surrounding architecture either in scope or design. I did not initially object to this as I am in agreement for the need of

Comments RE: PZ 05-20 “Major PUD Amendment to Dillon Urgent Care and Residences PUD Development Plan”

Submitted by: Peter Kyle, Owner/Manager Dillon Dam Brewery - 5/6/20

Introduction: As many of you are aware, Dillon Dam Brewery has been very interested in the development of the lot(s) at 956 W. Anemone Trail since we acquired a portion of the lot in a co-purchase of the then existing lots next door to the Brewery from a local business owner who sold the lots to Charlie Alexander and us. This occurred a long time ago and early on in our history - we’ve been in operation since 1997. We supported Charlie’s plans for the lot, and we were disappointed when he was not able to bring those to fruition. We also supported the subsequent owner’s plans for the lot but those too did not happen. We supported US Bank and were delighted to see that lot get developed and their doors open. We are very happy to have a brand new Christy Sports building next door. And we supported the Dillon Urgent Care & Residences PUD Development Plan in 2018 and the Minor PUD amendment in 2019. A very important part of our mission is to be a good neighbor, and support the well-being and success of our business neighbors, as well as all of the businesses and residents of the Town of Dillon.

However, last Monday, we were surprised to see the major changes in the site, sign and landscaping plans being proposed when we received notice of the Major PUD Amendment, which changes negatively affect our property and potentially will negatively affect the business of the Dillon Dam Brewery. We are therefore compelled to comment.

Changes to Sign Plan

The amendment to the Urgent Care Building adds 2 signs for a total of 4 (2B and 4), and the PUD as a whole adds a total of 3 signs, from the originally approved 4 signs to 7 signs.

The originally approved PUD (July 2019) approved 247 s.f. of signage, and the PUD Amendment now requests 307 s.f. Of this 307 s.f., the Urgent Care Building has 205 s.f.

According to page 4 of the Detailed Project Analysis Report dated 4/30/20, “The code provisions for sign area would only allow 75 square feet per building...” Specifically, according to Code Section 16-11-460 (d), “Sign Zone B” (of which this PUD falls under being a single tenant building), “Each single-tenant building shall be allowed a total of seventy-five (75) feet of signage to be used in one (1) or two (2) building identification signs, and one (1) additional sign which does not exceed thirty (30) square feet in size.”

This means the proposed Urgent Care Building signage exceeds code by nearly 300%.

The proposed Amendment shows the building height increasing by approximately 6.6 feet.

One of the new signs on the now elevated building directly faces the Dillon Dam Brewery building and is very large, high, and will be lit. This sign is identified as Sign 2B on the plans. The proposed Amendment does not show a lighting plan.

Changes to Site Plan and Landscaping

The proposed PUD Amendment adds a new entrance, and driveway, to the residences along the east lot line directly along the lot line and over the sewer easement. It therefore adds traffic directly adjoining the Brewery's property line.

The proposed PUD Amendment landscape plan shows the number of trees for the PUD being reduced by 27 trees, from 44 to 17. Significantly, the plan eliminates the landscaping buffer between our properties entirely.

Town Code Requirements to Consider Impact on Adjoining Properties

Article V-Planned Unit Development. Division 1-General. Section 16-5-120. PUD development standards: (b) Compatibility with neighborhood. The Town shall evaluate the relationship of the PUD to its surroundings in order to consider the ***adverse*** effects concerning...***visual impact or intrusion*** into privacy of neighboring properties. The evaluation criteria will include, but not be limited to, the following: (5) fencing, screening and landscaping; (8) signs and lighting.

Section 16-5-130. PUD review and approval process. (d) Review and findings by Planning and Zoning Commission. (1) b. The PUD as set forth in the PUD development plan will not have an ***adverse impact*** on the ***surrounding area***.

We submit that the changes to the PUD highlighted above will adversely affect the Dillon Dam Brewery property and business and would ask for appropriate modification to the PUD Amendment as stated below.

Specific Comments and Requests

The owners of the Dillon Dam Brewery strongly urge the Planning and Zoning commission to eliminate Sign 2B (East Face) from the proposed PUD Amendment for the following reasons:

- 1) There will be a severe adverse visual impact and intrusion to our property due to the very large, lighted sign (2B) which faces directly into our dining areas.
- 2) The number of signs and total square footage of the signs greatly exceeds code.
- 3) Due to the nature of the proposed PUD Amendment placing a sewer easement and driveway along the mutual lot line, applicants are not able to plant and landscape (tall trees) along that side of the building in order to "screen" the very bright light of the large sign 2B from the neighboring property.

- 4) There are two identical large, bright signs (2A and 2B) extremely close to each other on the corner (east and north sides) of the Urgent Care building and only one is necessary.
- 5) Sign 2B's glaring light will only be visible to patrons and staff of the Dillon Dam Brewery, and will be an unnecessary nuisance affecting the dining experience of our many customers.
- 6) Sign 2B ***will not*** be visible from highway 6. Sign 2A ***will*** be visible from highway 6 and W. Anemone Tr. and therefore it is a redundant sign and not necessary.
- 7) There is a very real possibility that people needing urgent care will mistakenly drive into the residences' driveway because they see sign 2B, and this is the first entrance they will arrive at off of highway 6 and W. Anemone Trail, and they will get stuck in the residences' parking garage.
- 8) If the applicant requires a sign on the East wall of the Urgent Care building it should not be lighted or illuminated.
- 9) If the sign must be lighted or illuminated, it must be screened from the adjacent property.

Thank you for taking the time to consider these comments in your evaluation of the PUD Amendment.

Peter Kyle

Craig McMillin & Elise Ferguson
736 E. Anemone Trail
Dillon, CO 80435

May 6, 2020

Town of Dillon
Planning Commission c/o Dan Burroughs
P.O. Box 8
Dillon, CO 80435

RE: PZ 05-20 Major PUD Amendment: Dillon Urgent Care & Residences

Dear Planning Commission:

We write you to as concerned residents of Rocky Point Townhomes, a small community of townhomes adjacent to the planned Urgent Care & Condominium complex to be built on W. Anemone Trail.

We have followed the progress of the PUD since the onset and have respected the property owner's right to maximize utilization of the land to its fullest potential, but this most recent request raises significant concern. **We oppose the developer's request for a variance to allow for construction 6.55 feet above the current approved zoning. We feel this will have significant negative impacts to our homes, including impacted views and reduced privacy which will result in a reduction in property value. We ask that the Planning and Zoning Commission consider how to maximize the net benefit of this development to the community.**

In review of the PUD Amendment documentation, it is unclear why the Geotechnical report was not generated at the onset of the project to establish a baseline for the property development. We feel the developer's improper planning is not an appropriate reason for the request for variance. This sets a bad precedent for further development within the Town of Dillon.

The package also raises further concerns:

- Why is the geotechnical report, which appears to be both generated after the initial approval and the impetus for the request for building height variance, not included in the PUD package for public review?
- Why are new grading and drainage plans not included in the package for public review?
- The Snow Storage plan feels woefully inadequate considering the Summit County snowfall and the challenges with snow storage we have at the complex directly adjacent to the proposed development.

There are many changes the developer could easily undertake that would maintain compliance with the current zoning and we feel the developer has a responsibility to propose solutions on this front.

These include but are not limited to:

- **A reduction of each floor's height in the building by one foot each would address most of the 6.55-foot variance. Based on building elevations, current spacing is 10 feet between floor elevations.**
- **A reduction in garage height would address the overall height. Based on building elevations current spacing is 12 feet for the garage. For reference the Vail Parking structure has 7'4" of clearance.**
- Reduction of the vaulted ceilings on the 3rd floor and lowering to match the roof slope of the Urgent Care (from 1"/12" to 0.25"/12").
- Removal of the top floor of condominiums.
- Installation of a groundwater mitigation or dewatering system on the ground floor, which is *not* livable space and only consists of a parking garage.
- Some combination of the above to reduce overall building height by the 6.55 feet being requested.

We are concerned that the proposed 'Urgent Care' sign does not meet the sign code and will be on 24 hours a day. A perpetually lit sign will impact contingent properties and take away from the property rights of nearby property owners. We ask that there be restrictions placed on the operational hours of the sign to decrease light pollution in the area.

We recognize previous PUD amendments have been approved based on the "public benefit" of the proposed Urgent Care, but the current request has no ties to the "public benefit" lot 45A, and only serves to the financial benefit of the developer on lot 45B. Additionally, the public benefit has been significantly reduced with the development of the Urgent Care facility at Highway 6 & Dillon Dam road, which also has significantly better access from both North and South bound traffic on Highway 6 than the planned development on W. Anemone Trail, and is less than ½ mile away from this Urgent Care. A difficult to access Urgent Care with no assurances of employing qualified Summit County residents should not serve as the "public benefit" to allow the adjoining condominium complex to exceed existing zoning regulations.

We ask that the planning commission seriously consider the **net impact** of this facility on the community and what can be done to assure those with existing interests in the community are not negatively impacted. **We ask that the Planning and Zoning Commission deny this request as it destroys value and takes away from the property rights of contiguous and existing owners of townhomes, condos, and businesses.**

Sincerely,

Craig McMillin & Elise Ferguson

Rocky Point Townhomes

May 5, 2020

Town of Dillon
Planning Commission c/o Town Clerk
P.O. Box 8
Dillon, CO 80435

RE: PZ 05-20 Major PUD Amendment: Dillon Urgent Care & Residences

Dear Chair of the Planning Commission:

I write you to as a concerned resident of Eagle View Estates, a small community of townhomes directly uphill from the planned Urgent Care & Condominium complex to be built on W. Anemone Trail.

I have followed the progress of the PUD since the onset and have respected the property owner's rights to maximizing utilization of the land to its fullest potential, but this most recent request raises significant objection. I am in strong opposition to the developer's request for variance to allow for construction 7' above the current approved zoning. I feel this will have significant negative impacts to our homes, including impacted views and reduced privacy (the roofline of the new structure will be in line with our second and third stories of our homes) which will result in a reduction in property value.

In review of the PUD Amendment documentation, it is unclear why the Geotechnical report was not generated at the onset of the project to establish a baseline for the property development. I feel the developer's improper planning is a completely inappropriate reason for the request for variance and sets a bad precedent for further development within the Town of Dillon.

The package also raises further concerns:

- Why is the Geotechnical Report, which appears to be both generated after the initial approval and the impetus for the request for building height variance, not included in the PUD package for public review? This study should have occurred at the onset of project development and results taken into consideration during the planning phases.
- Why are new grading and drainage plans not included in the package for public review? The removal of the previously approved retaining wall has soil and erosion concerns for all surrounding properties.
- The Snow Storage plan is woefully inadequate considering the Summit County snowfall and the challenges with snow storage we have at the complex directly adjacent to the proposed development. With the proposed changes, it is highly likely snow storage would infringe on neighboring lots or the public road on W. Anemone Trail, creating additional burden on the Town of Dillon.

There are many changes the developer could easily undertake that would maintain compliance with the current zoning and feel the developer has a responsibility to propose solutions on this front. These include but are not limited to:

- Removal of the top floor of condominiums

- Installation of a groundwater mitigation or dewatering system on the ground floor, which is *not* livable space and only consists of a parking garage.
- Reduction of the vaulted ceilings on the 3rd floor, which is a design aesthetic only.
- Some combination of the above to reduce building height to bring it within zoning compliance.

Furthermore, in review of the PUD process as documented in the Staff Report of April 30, 2020 which states:

“The PUD process allows the allowable height of buildings to be adjusted higher than that allowed in the underlying zone district (MU) in consideration of the following characteristics of the building:

- (1) Its geographic location;
- (2) Visual effect on adjacent sites or other areas in the vicinity;
- (3) Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view;
- (4) Influence on the general vicinity with regard to extreme contrast, vistas and open space;
- (5) Uses within the proposed building; and
- (6) Fire protection capacities.”

I feel the project does not meet most of these requirements. Items 2, 3, and 4 are not met by both the visual impedance of the surrounding properties views, as well as the proposed development’s design as a sterile, 231 foot long “Mountain Generic” design aesthetic alongside a lighted sign for the commercial property (Urgent Care or otherwise, pending future use of the property) which will become the visual hallmark of the I-70/Highway 6 entrance to the Town of Dillon. It’s elevated placement on the hillside only reinforces this fact.

Ultimately, while I recognize previous PUD amendments have been approved based on the “public benefit” of the proposed Urgent Care, but the current request has no ties to the “public benefit” lot 45A, and only serves to the financial benefit of the developer on lot 45B. Additionally, the alleged “public benefit” has been significantly reduced with the development of the Urgent Care facility at Highway 6 & Dillon Dam road, which also has significantly better access from both North and South bound traffic on Highway 6 than the planned development on W. Anemone Trail, and is less than ½ mile away from this Urgent Care. A poorly accessed and potentially infrequently used Urgent Care with no assurances to employ qualified Summit County Residents as stated in previous meetings should not serve as a cover for the adjoining Condominium complex to exceed existing zoning regulations.

Signed,

Mack Koepke

May 6, 2020

Town of Dillon
Planning Commission c/o Town Clerk
P.O. Box 8
Dillon, CO 80435

RE: PZ 05-20 Major PUD Amendment: Dillon Urgent Care & Residences

Dear Chair of the Planning Commission:

I write you to as a concerned resident of Eagle View Estates and HOA Board Member.

I am in opposition to the developer's request for variance to allow for construction above the current approved zoning. I feel this will have significant negative impacts to our homes, including impacted views and reduced privacy (the roofline of the new structure will be in line with our second and third stories of our homes) which will result in a reduction in property value.

It is late in the game to be making this request and if this was in the original proposal I would have been against the project from the beginning. I support the project at the previously approved height. There is a height limitation for a reason. People can't just keep building higher and higher

This project was approved with the previous heights and dimensions. This feels like an attempt to now move the height up when it is not necessary and will only negatively impact the neighboring properties.

DENY the variance request for height increase. Build the project as approved and do not obstruct our views.

Signed,

Misty McMillian

718 Anemone Trl E Unit C

PO Box 5821

Dillon, CO 80435



May 5, 2020

Town of Dillon
Planning Commission c/o Dan Burroughs
P.O. Box 8
Dillon, CO 80435

RE: PZ05-20 Major PUD Amendment: Dillon Urgent Care & Residences

Dear Planning Commission:

I write you to as a concerned resident of Eagle View Estates, a small community of townhomes directly uphill from the planned Urgent Care & Condominium complex to be built on W. Anemone Trail. We have followed the progress of the development since the onset in 2018 and have respected the property owner's rights in utilizing their land to its fullest potential, but this most recent request raises significant concern. We are in opposition to the developer's request for a zoning amendment to allow for construction 6.55 feet above the current approved zoning and have concerns regarding other aspects of the application.

The staff report dated April 30, 2020 states the following:

The PUD process allows the allowable height of buildings to be adjusted higher than that allowed in the underlying zone district (MU) in consideration of the following characteristics of the building:

- (1) Its geographic location;*
- (2) Visual effect on adjacent sites or other areas in the vicinity;*
- (3) Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view;*
- (4) Influence on the general vicinity with regard to extreme contrast, vistas and open space;*
- (5) Uses within the proposed building; and*
- (6) Fire protection capacities.*

We do not feel items 2, 3 and 4 have been met. The proposed residence building spans 231 feet across nearly the entire length of the rear lot line. This is a very large rectangular building relative to the surrounding residences, which have been built mostly as smaller duplex to fourplex buildings. The rear of the proposed residential building is not interesting to look at, as it's flat with little architectural creativity, but it will become a large part of the view for Eagle View Estates and the surrounding neighbors. Allowing additional height above the current zoning allowance will only increase this impact and will have significant visual effect on our townhomes and adjacent residences.

It will also create a loss of view and will influence the vistas. The application includes a Site Section (Sheet A301) of the Eagle View Townhomes suggesting the views taken from the 3rd floor. However, the townhomes have north and northwest facing decks on the 2nd floor where the living, dining and kitchens are located and from where the views are typically enjoyed. From this level we can see the mountains and

the valley to the north. The additional height would create a total loss of view to the north and would influence the general vicinity with regard to vistas and extreme contrast of buildings (see photos below).

We feel the additional height allowance will have significant negative impacts to our homes, including impacted views and reduced privacy which will result in a reduction in property value.

Shown below: View from 2nd floor deck of Eagle View Townhomes. At a 35 to 43 foot height limit, the view of the buildings across I-70 will be lost. Additional height will obstruct the view of the mountains and valley beyond.



Shown below: View from 3rd floor deck of Anemone Condos (Lot 35).



Shown below: Rear side of proposed residences facing the Eagle View Townhomes and Anemone Condos.



It is also unclear why the geotechnical soils report was not obtained at the onset of the project to establish a baseline for the property development. The developer's improper planning is not an appropriate reason to request additional height above the max allowance and sets a bad precedent for further development within the Town of Dillon.

Furthermore, Finding c. in the Project Analysis Report states *"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."*

This raises concerns because exceptions have already been granted during the previous development applications, including reduced setbacks in the rear along the RM zone district, additional lot coverage, and much larger sign area. It is clear from the staff report that the height exception is requested due to additional information found in the recently acquired geotech report, not because there's additional public benefit that needs to be accounted for. This only encourages "mistakes" by developers. This exception is not in the best interest of the public health, safety and welfare. Allowing additional height and a more compact site has a negative impact to the surrounding properties and neighborhood.

The application raises further concerns:

- Why is the geotechnical report, which appears to be both generated after the initial approval and the impetus for the request for additional building height, not included in the packet for public review? This study should have occurred at the onset of project development and results taken into consideration during the planning phases.
- Why are new grading and drainage plans not included in the packet for public review? The removal of the previously approved retaining wall has soil and erosion control concerns for the surrounding properties.
- The Urgent Care sign on the north facing side is located on a display-like façade that is clearly built specifically for the sign (not integral to the building), yet it is not included in the sign area. Also, any backlighting of signs is strongly opposed.
- Any reflective or metal material on the roof or rear of the residential building is strongly opposed as it will reflect the sun directly at our homes and further obstruct our views.

- The proposed workforce housing units do not provide a realistic assurance to house nor employ the local workforce as they will be offered first to employees of the Urgent Care who may permanently reside in the Denver area. This cannot be considered a public benefit.
- The separate driveway for the residences decreases the functional snow storage areas throughout the site. Serious consideration of our high-alpine environment should be taken into account, especially due to the north-facing parking lot and driveway that will perpetually be in the shade.
 - Snow storage is shown to be on landscaped areas that include trees and shrubs. Per the Dillon Municipal Code Section 18-8-100 “*Snow storage shall not be allowed on landscaped areas, except where these areas are grass or rock cover.*” Replacing trees and shrubs every year is not realistic, nor will they thrive in snow storage areas.
 - The proposed driveway for the residences runs along the property line for the Dillon Dam Brewery. It is unrealistic to expect that snow will not be plowed onto their property or expect that they will allow it.

There are many changes the developer could undertake that would maintain compliance with the current zoning including, but not limited to, installation of a groundwater mitigation or dewatering system on the ground floor, a reduction of the vaulted ceilings on the 3rd floor (which is a design aesthetic only), installation of a heated parking lot and driveway, elimination of a sign façade to allow a more appropriately sized sign for the neighborhood, etc. Ultimately, the developer has the responsibility to propose solutions that comply with the current zoning regulations.

Thank you for your time and consideration of these comments.

Sincerely,

Suzanne and Scott Pugsley
Eagle View Estates Townhomes

Please include this photo as supplemental information to my letter dated May 5, 2020.

Photo taken from the 2nd floor of another residence from Eagle View Estates Townhomes. If the proposed residences are allowed an additional 6.55 feet above the 35 (43) height limit, the views will be significantly obstructed from our homes.



Suzanne & Scott Pugsley
Eagle View Estates Townhomes
E Anemone Trail.

Subject: Urgent care center variances request.

Date: Wednesday, May 6, 2020 at 2:56:02 PM Mountain Daylight Time

From: Jim Koegel

To: Dan Burroughs

Hello Dan,

I concur with Suzanne Pugsley's letter of comments regarding the urgent care PUD height variance request. I oppose approving the variance.

Jim Koegel

Eagle View Estates
718B East Anemone Trail
Dillon, CO 80435

Jim Koegel

Sent from my iPhone

Subject: Fwd: Dillon Urgent Care
Date: Wednesday, May 6, 2020 at 1:28:47 PM Mountain Daylight Time
From: Renee Marusarz
To: Dan Burroughs
Attachments: Comment Letter for PZ05-20 Planning Commission 5.6.2020.pdf

Dan,

Attached is a letter from my neighbors, I concur and agree with everything that they have stated to you in regards to the Dillon Urgent care.

You have also received a letter from Diane Godfrey - which also brings up some good points to concur with.

Thank you,

The Marusarz Family
726 E Anemone Tr #A
Dillon, CO

[Planning & Zoning Commission | Dillon, CO](#)

Planning & Zoning Commission | Dillon, CO

Suzanne

Subject: Dillon Urgent Care
Date: Wednesday, May 6, 2020 at 2:22:24 PM Mountain Daylight Time
From: Nery
To: Dan Burroughs
Attachments: IMG_5636.jpeg, IMG_5633.jpeg, IMG_5636.jpeg, IMG_5635.jpeg, IMG_5633.jpeg, Comment Letter for PZ05-20 Planning Commission 5.6.2020.pdf

Good afternoon,

I would like to concur with the attached letter as expressed by our neighbors. We also oppose to the additional height as this would obstruct from current views specifically Unit 720A. We are lucky to have an end unit and our deck also happens to be in between garages so I would say we have one of the best views of the valley and mountains of the Eagle View Estates, as pictured below:









Kind Regards,

Owners Nereyda Blanco & Efrain Adame