

**TOWN COUNCIL ACTION ITEM
STAFF SUMMARY
JUNE 16TH, 2020 COUNCIL MEETING**

DATE: June 11,2020

AGENDA ITEM NUMBER: 5

ACTION TO BE CONSIDERED:

Ordinance No. 11-20, Series of 2020.

**AN ORDINANCE APPROVING A MAJOR PUD AMENDMENT FOR
THE DILLON URGENT CARE & RESIDENCES PUD DEVELOPMENT
PLAN LOCATED AT 956 W. ANEMONE TRAIL**

(SECOND READING & PUBLIC HEARING)

DILLON URGENT CARE & RESIDENCES PUD APPROVAL HISTORY:

- The original plan for the DILLON URGENT CARE & RESIDENCES PUD DEVELOPMENT PLAN was approved by the Town Council at their October 2nd, 2018 meeting by Ordinance No. 08-18, Series of 2018. The Planning Commission recommended approval of the PUD by Resolution No. PZ 13-18, Series of 2018 at their September 5th, 2018 meeting.
- The final architecture was reviewed and approved by the Planning Commission at their January 9th, 2019 meeting by Resolution No. PZ 01-19, Series of 2019.
- At the July 3rd, 2019 Planning Commission meeting, the Commission passed Resolution No. PZ 15-19, Series of 2019, approving a minor PUD amendment which separated the original single building into two separate buildings, a commercial clinic and a condominium building, approved phasing of the buildings, and adopted a PUD sign plan for the development.
- A subdivision of Lot 45R into two separate lots, Lot 45A for the commercial building and Lot 45B for the condominium building, was recommended for approval by the Planning Commission on January 8th, 2020 by Resolution No. PZ 01-20, Series of 2020. The Town Council approved the plat on February 4th, 2020 by Resolution No. 07-20 Series of 2020.
- At the June 3rd, 2020 Planning Commission meeting, the Commission passed Resolution No. PZ 05-20, Series of 2020, recommending approval of the proposed major PUD amendment being considered in this agenda item.

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.

Development Concept (*Unchanged by requested amendment*)

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 residential condominium building with underground parking garage and resident storage units on the backside of the building.

2020 Major PUD Amendment Summary:

- 1) ADD a separate driveway to the residential building on Lot 45B.
- 2) SHIFT the clinic building & parking to the west to accommodate the new driveway.
- 3) REDUCE the overall square footage of the PUD Sign Plan from 247 sf to 222 sf.
- 4) REVISE Residential Unit Mix
- 5) REVISE parking lots on both lots and **increase** parking provided.
- 6) REDUCTION in trees provided onsite due to building shift, additional driveway and additional utility easements requested by the Town of Dillon.
- 7) REVISE site grading, landscaping and utility plans accordingly.

2020 Major PUD Amendment Detailed Explanation:

1) ADD a separate driveway to the residential building on Lot 45B.

The main change to the proposed site plan is the **addition of a residential driveway** to the north end of the condominium building, along the eastern property line adjacent to the Dillon Dam Brewery development. This driveway will only serve the residential building.

The applicant raised the finished floor elevation of the garage 5', so access through the clinic parking lot is no longer possible. The applicant adjusted the vertical spacing between floors in this building to keep the height of the building below the maximum height allowed in the Mixed-Use Zone district.

The new 20' driveway will be constructed over the new 25' wide sanitary sewer easement located along the northeastern property line. From a sanitary sewer maintenance, grading, and access standpoint, this arrangement is desirable to the Town.

A small boulder retaining wall will be built along the dam brewery property line and the road will sit below the elevation of the shared property line. This arrangement will

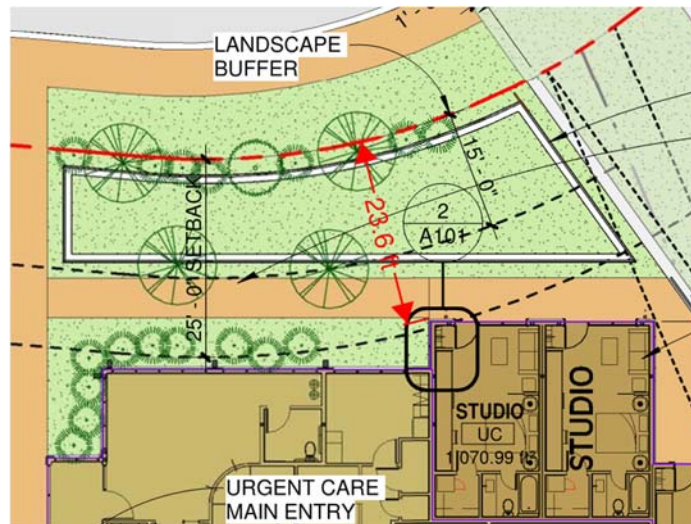
prevent snow from being plowed onto the Dam Brewery property.

The proposed driveway to the clinic parking lot remains and is also the route to the shared trash enclosure.

2) SHIFT the clinic building & parking to the west to accommodate the new driveway.

The new residential driveway shifted the clinic building and the commercial parking lot about 6.5 feet to the west. The parking lot is still outside the utility easement on the west side of the PUD, and trees are still proposed to screen the parking lot from the adjacent townhome complex along the west side of the parking lot. The trees are not planted within the utility easement.

Front Yard (Setback): The shifting of the building to the west resulted in the northwest corner of the building to encroach into the 25' front yard setback from the W. Anemone Trail right-of-way line. The distance between the corner of the building and the ROW line measures at 23.6'. **This PUD amendment will establish the permitted Front Yard setback at 23' instead of 25'.**



Proposed Front Yard measurement to corner of clinic building.

3) REDUCE the overall square footage of the PUD Sign Plan from 247 sf to 222 sf.

This amendment ADDS two small driveway identification signs:

- One three (3) square foot sign at the entrance to the residential driveway.
- And a corresponding three (3) square foot sign at the entry of the clinic parking to identify this parking area for public wayfinding.

The signage on the Clinic Building has been finalized and the amended sizes reflects the actual dimensions of the proposed signs as shown in the following table:

Proposed PUD Sign Plan

Sign	<i>Approved PUD (2019)</i> (sf)	<i>Proposed Amended PUD</i> (sf)
Lot 45A: Main Sign 1	95	85
Lot 45A: Sign 2	36	32
Lot 45A: Driveway Sign	-	3
Lot 45B: Tower Sign 1	80	74
Lot 45B: Entrance Sign 2	36	25
Lot 45B: Driveway Sign	-	3
PUD Sign Plan TOTAL	247 sf	222 sf

The PUD sign plan total sign area has been REDUCED by 10%.

The sign plan also allows Sign 1A to exceed the twenty foot (20') maximum length set forth in the Code when applied to the vertical orientation of the sign. This is consistent with the Approved PUD.

4) REVISE Residential Unit Mix on Lot 45B

Both the approved PUD (2018), minor PUD amendment (2019) and the proposed PUD amendment (2020) have a total of 18 condominium units within the Lot 45B building, but the unit mix changed as shown in the following table:

Lot 45B Bedroom Type	<i>Approved PUD (2018)</i>	<i>Approved Minor Amendment (2019)</i>	<i>Proposed Amended PUD (2020)</i>
(1) Bedroom	-	3	3
(2) Bedroom	12	3	5
(3) Bedroom	6	9	5
(4) Bedroom	-	3	5
PUD Total Units	18 Units	18 Units	18 Units

5) REVISE parking lots on both lots and **increase** parking provided.

Lot 45A (Clinic):

The 3,649 gross square foot clinic building requires 10 parking spaces at a rate of 1 parking space per 400 square feet. The three studio apartments require 1.5 parking spaces per unit, for a total of 5 parking spaces. A total of 15 parking spaces are required on lot 45A.

16 parking spaces are provided on Lot 45A, **providing one additional parking space above the code requirement.**

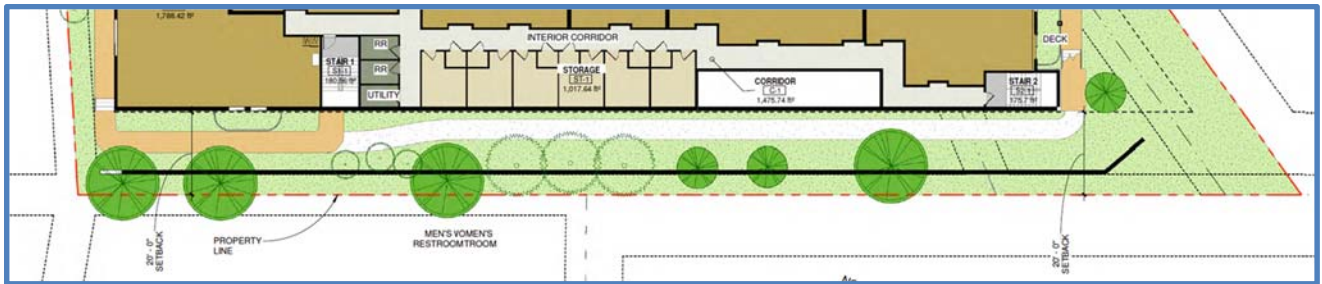
Lot 45B (Residential Condominium Building):

The residential parking garage located on the lower level of the building requires 35 parking spaces with the new unit mix configuration calculated as follows:

5 Spaces	(3) 1 Bedroom Units at 1.5 parking space/Unit
10 Spaces	(5) 2 Bedroom Units at 2.0 parking space/Unit
10 Spaces	(5) 3 Bedroom Units at 2.0 parking space/Unit
10 Spaces	(5) 4 Bedroom Units at 2.0 parking space/Unit
35 Spaces	Total Parking Spaces Required

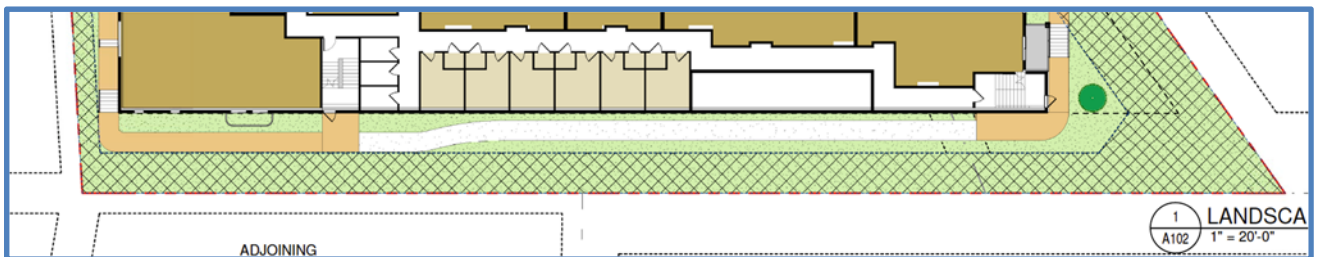
The new eastern driveway entry into the parking garage allows a more efficient parking layout within the parking garage for a total of **37 parking spaces**. The revised parking garage layout **provides (2) two more parking spaces than required by code.**

- 6) *REDUCTION in trees provided onsite due to building shift, additional driveway and additional utility easements requested by the Town of Dillon.*



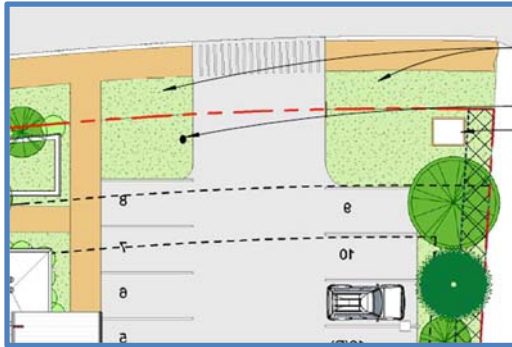
Approved 2019 Landscape plan at the rear of Lot 45B. Showing Trees & Wall.

The sanitary sewer main was relocated in the fall of 2019 to a new location along the east property line adjacent to the Dam Brewery. After observing the depth of the existing sewer and contemplating the future reconstruction of the line once Lot 45B develops, Town staff required the developer to grant an additional 10' wide utility easement along the south property line. This unfortunately resulted in the elimination of the trees along the rear property area and the applicant also removed the retaining wall in this area to assist with future maintenance of the public sanitary sewer line.

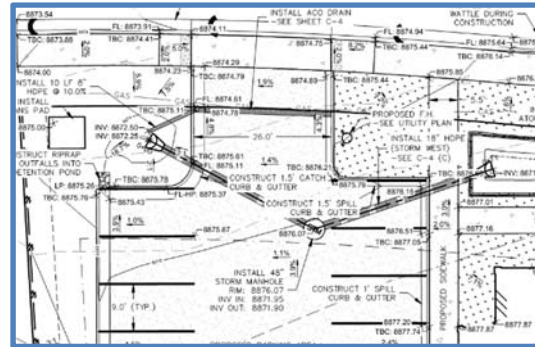


*Proposed 2020 Landscape plan at the rear of Lot 45B
Showing the required 10' sanitary sewer easement, elimination of wall and trees.*

The fire hydrant requirement at the clinic parking lot entrance also resulted in the elimination of trees in the fire hydrant easement.



Proposed 2020 Landscape adjusted for Utilities



Utility conflicts at clinic entrance



Proposed Landscaping along Clinic and fire hydrant location



Proposed Street Side & Parking Landscaping Overview

Along the east property line adjacent to the Dillon Dam brewery, the sewer easement prevented trees from being planted in the first 20'. The trees were placed in an area between the new driveway, clinic building and residential building.



Proposed Landscaping along east side of lot.



Proposed Landscaping along Clinic and fire hydrant location

Overall the number of trees proposed have been reduced from 40 to 17.

7) REVISE site grading, landscaping and utility plans accordingly.

The proposed site changes include revised grading and revised site utility locations. The relocated sanitary sewer in the new 20' easement remained the same.

DETAILED PLANNING AND ZONING ANALYSIS:

A Level IV Development Application requires a public hearing by the Planning and Zoning Commission to recommend approval of the PUD amendment, and an additional public hearing before the Dillon Town Council to approve the PUD amendment.

The Town of Dillon Planning and Zoning Commission recommended approval of this major PUD amendment after the public hearing held on June 3rd, 2020.

Public Notice:

Pursuant to the Dillon Municipal Code and Development Regulations (the “Code”), proper notification of the June 16th, 2020 public hearing was published, a mailing was sent out to property owners within 300 feet of the property, and the sign was posted on June 8th, 2020.

Zoning:

The PUD is located within the Mixed Use (MU) Zone District of the Town of Dillon. This PUD will establish the zoning for this development by ordinance.

Lot Subdivision:

The Town Council approved a subdivision plat for the lot on February 4th, 2020 by Resolution No. 07-20 Series of 2020. Lot 45R was subdivided into two separate lots:

- Lot 45A for the clinic building and three (3) workforce housing units.
- Lot 45B for the residential condominium building at the back of the development.

Proposed Building and Site Overview:

The proposed development consists of two buildings on two lots.

The proposed mixed-use clinic building (Phase I of the PUD), will be constructed on Lot 45A adjacent to the E. Anemone Trail right-of-way. The parking lot will be constructed on the western side of the building. Phase I consists of 3,649 sf of medical office area and 1,071 sf of Workforce Housing residential consisting of three studio apartments to be used for clinic employees in order to staff the clinic full time.

The multi-family residential building and associated parking garage (Phase II) will be placed on Lot 45B, behind the Lot 45A building and parking lot. The residential building will consist of a four-story multi-family residential building containing a total of approximately 28,892 sf of living area. The residential building contains the following unit mix:

- (3) 1 Bedroom units at 994 square feet each
- (5) 2 Bedroom units at 1,459 sf square feet each
- (5) 3 Bedroom units with areas between 1,395 and 2,094 square feet
- (5) 4 Bedroom units at 1,831 square feet each

The developer will be required to create an access easement across Lot 45A for the residential driveway to Lot 45B. The final recorded plat will reflect the general location of the easement and the final easement will be dedicated by separate instrument.

Construction Phasing:

Under the Code, Phasing of construction within a PUD may be permitted, provided that each individual phase is designed and developed to exist as an independent unit, and that the construction and improvement of common open space and site amenities shown on the development plan proceed at the same rate as the construction of dwellings and other permitted land uses. **All public improvements shall be completed during Phase I, the clinic building on Lot 45A.** *The phasing plan for this project was approved in 2019 with the minor PUD amendment.*

Vehicular and Pedestrian Circulation:

The project proposes adequate internal street circulation designed for the type of traffic generated, safety, convenience and access. The project proposes pedestrian ways throughout the PUD that would allow residents and visitors to walk safely and conveniently among areas of the PUD and provide for connections to the site from the adjacent neighborhoods. The second driveway provides access to the Lot 45B and the residential building.

Snow Storage:

The PUD provides about 25% of snow storage for the residential driveway, parking lots and sidewalks. Since the snow storage in this development is tight, the developer will also be required to haul off excess snow once the onsite storage is exceeded.

Exterior PUD Building Yards (Setbacks):

The Town code uses the term Yard instead of Setbacks.

The following table demonstrates the previously approved setbacks and a proposed adjustment to the front yard as requested in this PUD amendment.

PUD Exterior Yards (Setback)	Approved PUD (2018)	Amended PUD (2020)	Explanation
Front Yard	25 feet	23 Feet	The building shifted to the west causing a corner of the building to end up encroaching into the 25' setback.
Side Yards	10 feet	10 Feet	No Change
Rear Yard	20 feet	20 feet	No Change

As a point of clarification, in the original approved PUD, the Rear Yard established for this application is 20 feet. The Rocky Point Townhomes and the Eagle View Townhomes (adjacent to more than half of the PUD rear lot line) are both zoned Mixed-Use (MU) which only requires a 20-foot rear yard. The Anemone Trail Townhomes parcel (which is adjacent to less than half of the rear lot line) was spot-zoned to a Residential Medium (RM) district which would require a 25 foot setback per code; but was reduced to 20 feet through the PUD process because it is more consistent with the surrounding Mixed-Use zone district.

In summary, both the approved and the amended PUDs establish the rear yard setback to be 20' for the entire length of the property.

Interior PUD Building Yards – between buildings:

Internal Yards between the Lot 45A and 45B buildings, as measured to the internal property line between Lot 45A and 45B are less than the code requirements. The clinic building is approximately 3' north of the internal lot line. The residential building sits 12' south of this line, although the elevator tower bump-out is only 6' from the internal property line. The PUD process also allows the yards to be reduced from the code requirements.

Lot Coverage:

The mixed-use zone code typically allows buildings to cover a maximum of 40%. This can be reduced through the PUD process. Through the different iterations of the project the various building configuration maintained 43.3%-43.8% building coverage. This PUD will maintain the building coverage (increased density) at 43.7% which is essentially the same as the original PUD approval. The driveway coverage area increased due to the new second driveway.

Area Coverage Type	<i>Approved PUD (2018)</i>	<i>Approved Minor Amendment (2019)</i>	<i>Proposed Amended PUD (2020)</i>
Parking & Driveways	12.0%	11.9%	18.1%
Building Coverage	43.8%	43.3%	43.7%
Landscaping & Sidewalks	44.2%	44.7%	38.2%

Open Space Requirements for Residential Units:

The Mixed-Use Zone requires 50 square feet of open space for Studio Apartments and 100 square feet for 2 bedroom or larger units.

- Each studio apartment on Lot 45A has a sidewalk area outside each unit’s entry door in excess of 50 square feet.
- The one-bedroom units on Lot 45B have decks which exceeds the minimum 50 sq requirement.
- The two, three and four bedroom units on Lot 45B all have decks that exceed the 100 square feet minimum open space requirement.

Architectural Guidelines:

The architect has worked with the Town of Dillon Architectural Guidelines and the Town’s architectural consultant and believes the Application is in conformance with the intent of the Guidelines. The Planning and Zoning Commission approved the architectural design and concept of the PUD by Resolution PZ 01-19, Series of 2019 on January 9, 2019.

Building Height:

The developer has raised the finished floor of each building for constructability reasons.

- Residential Building (45B): Raised finished floor 5' to 8882.67' (was 8877.67').
- Clinic Building (45A): Raised finished floor 1.5' to 8878.17' (was 8876.67').

The applicant was able to reduce the distance between the finished floor elevations of the residential building to provide a condominium building that does not exceed the Maximum allowable heights calculated in the Mixed-Use (MU) zone district. **NO additional height is requested.**

Allowable Maximum Height for each building

PUD Lot designation	Base Elevation	Max Height (35')*
Lot 45A (Clinic building)	8883.0'	8918.0'
Lot 45B (Condominium Building)	8890.5'	8925.5'

**The town Code also allows for an additional 8' of height above the maximum height to be used for elevator towers and rooftop mechanical equipment.*

Utilities:

The proposed project will be served by an existing water main and a sewer main located in W. Anemone Trail.

Drainage:

The applicant will construct two detention ponds along the front of the building site which will be tied together and drain into an existing storm sewer system in W. Anemone Trail.

Compliance with Dillon Zoning Regulations and Comprehensive Plan:

A medical office, workforce housing, and multi-family residential units are allowed in the Mixed Use (MU) Zone District and are in general conformance with the Town of Dillon Comprehensive Plan.

Ordinance Conditions of Approval:

The Planning and Zoning Commission and the Town Council may recommend conditions of approval that relate to the impacts created by the proposed PUD which may include, but are not limited to, the following:

- Increasing the required setbacks.
- Limiting the height of the buildings.
- Controlling the location and number of vehicular access points.

- Establishing new streets, increasing the rights-of-way or roadway width of existing streets, requiring curbs and sidewalks and, in general, improving the traffic circulation system.
- Requiring additional improvements for utilities or storm drainage facilities.
- Increasing the number of parking spaces and improving design standards for parking areas.
- Limiting the number, size, location and lighting of signs.
- Designating sites for open space and recreation.
- Requiring additional view-obscuring screening or fencing.
- Establishing any special time limits for completion of all or any portion of the project, including but not limited to utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening, recreation areas or community buildings.
- Requiring a special contractual agreement with the Town to ensure development of streets, sidewalks, drainage facilities, utilities and other improvements to standards which are acceptable to the Town.
- Requiring the placement of building and roadways in such a manner that: i) would provide for utilization of the solar potential of the site and protect the solar access of adjacent sites, and ii) would buffer and minimize any adverse noise impacts.

The Ordinance contains the specific conditions of approval for this application.

Town Council Procedure:

The Town Council, after review of the major PUD amendment to the previously approved PUD Development Plan shall either approve the application, with or without modifications and conditions, recommend denial, or continue the hearing.

A recommendation for approval of a major PUD amendment shall be based on the following findings:

- 1) The proposed development and major PUD amendment are in substantial conformance with the Comprehensive Plan.
- 2) The PUD as set forth in the PUD development plan as amended will not have an adverse impact on the surrounding area. The PUD is compatible with the scale, intensity, and type of land uses located on adjacent property.
- 3) 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.
- 4) Streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
- 5) The proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem. The timing of installation of utility and drainage facilities will be closely coordinated with development construction and will not create a hardship on residents either within or outside the planned area.
- 6) The density in the proposed development will not result in the inability on the part of the Town or utility providers to provide public utilities or services to the project. The Applicant must furnish to the Town such additional water rights, storage right and treatment capacity in the Joint Sewer Authority wastewater treatment plant as found necessary by the Town to serve the development following build out. The Town shall determine the quantity and quality of water rights required.

Ordinance Conditions of Approval Revisions:

- 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 “T” was modified to reflect that the maximum height of the building shall conform to the underlying MU zone district height provisions.
- Condition “K” was modified to have the Developer haul off snow when the snow storage areas are full.
- Condition “M” was amended 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.

BUDGET IMPACT: None

MOTION FOR APPROVAL: I make a motion to adopt Ordinance 11-20, Series of 2020, titled “AN ORDINANCE APPROVING A MAJOR PUD AMENDMENT FOR THE DILLON URGENT CARE & RESIDENCES PUD DEVELOPMENT PLAN LOCATED AT 956 W. ANEMONE TRAIL.”

ACTION REQUESTED:

MOTION, SECOND, ROLL-CALL VOTE: Ordinances require four (4) affirmative votes.

DEPARTMENT HEAD RESPONSIBLE: Scott O’Brien, Public Works Director