

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**

WHEREAS, there has been submitted to the Town Council a request for approval of a Level IV Development Application from Pikes Peak Professional Service LLC (the “**Applicant**”) for a Major Amendment to the Dillon Urgent Care and Residences PUD Development Plan (“**Application**”), which was previously approved by the Town Council pursuant to Ordinance No. 08-18, Series 2018, following a recommendation of approval by the Planning and Zoning Commission (“**Planning Commission**”); and

WHEREAS, pursuant to DMC §§ 16-2-110 and 16-5-130(d), the Planning Commission held a properly noticed public hearing on the Application on May 6, 2020, at which public hearing the applicant and other interested persons presented testimony to the Commission and a number of documents were made a part of the record; and

WHEREAS, before the close of the public hearing on May 6, 2020, the Planning Commission continued the hearing to June 3, 2020 on the request of the Applicant; and

WHEREAS, following the continued public hearing on June 3, 2020, the Planning Commission made certain findings of fact regarding the Application, determined that certain conditions which are reasonable and necessary to and relate to impacts created by the development should attach to the approval of the Application, and recommended approval of the Application with conditions; and

WHEREAS, pursuant to DMC §§ 16-2-120 and 16-5-130(e), the Town Council has held a public hearing on the Application, after which public hearing the Town Council has found the Applicant demonstrated the Application, with conditions, meets the applicable criteria set forth in Town of Dillon zoning ordinances and related ordinances, and that the PUD development plan is in general conformity with the adopted Comprehensive Plan; and

WHEREAS, the Town Council finds the Application should be approved, subject to those certain conditions set forth in Exhibit B attached hereto.

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. The Town Council for the Town of Dillon hereby adopts and approves the proposed Major Amendment to the Dillon Urgent Care and Residences PUD Development Plan (“**Application**”), the legal description of which property is set forth in Exhibit A attached hereto, subject to the conditions set forth in Exhibit B attached hereto.

Section 2. Upon satisfaction of the conditions of approval set forth in Exhibit B, and upon this ordinance becoming effective pursuant to Section 3-8 of the Town of Dillon Home Rule Charter and as set forth herein:

A. This ordinance and the final PUD development plan shall be recorded with the Summit County Clerk and Recorder pursuant to Section 16-5-130(e)(2) of the Dillon Municipal Code;

B. The approved PUD development plan shall be recorded on the Official Town Zoning Map pursuant to DMC § 16-5-130(e)(4); and

C. Pursuant to DMC § 16-2-130, Town staff is authorized to issue a Level IV Development Permit with such conditions as may be appropriate to ensure construction and use of the property in accordance with the approved Application.

Section 3. Pursuant to Section 16-5-130(f)(3) of the Dillon Municipal Code, the Town Manager is authorized to approve corrections and adjustments to the PUD Development Plan, including but not limited to the following:

A. Amount and location of final landscaping elements including fences, trees and shrubs.

B. Final layout and configuration of the site plan and right-of-way improvements, streetscaping, utility service locations and utility infrastructure improvements.

C. Additional minor changes that do not change the character or intent of the Planned Unit Development as approved by this ordinance.

D. Confirmation that the final mechanical design conceals rooftop mechanical installations per Town of Dillon standards.

Section 4. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY THIS 2nd DAY OF JUNE, 2020.

PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS _____ DAY OF _____, 2020.

TOWN OF DILLON,
a Colorado municipal corporation

By: _____
Carolyn Skowyra, Mayor

ATTEST:

By: _____
Adrienne Stuckey, Town Clerk

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EXHIBIT A
(Legal Description)

Lot 45R, Ptarmigan Trail Estates, Unit 1, as recorded with the Summit County Clerk & Recorder on August 19, 2004 at Reception No. 765161, Town of Dillon, County of Summit, State of Colorado

EXHIBIT B
Dillon Urgent Care and Residences PUD Development Plan
Conditions of Approval

- A. The Town Manager may approve additional minor changes to the Application that do not change the character or intent of the Application as approved by this resolution.
- B. The Dillon Urgent Care and Residences PUD Development Plan shall be updated once all conditions have been met and be recorded prior to issuance of a Building Permit.
- C. The Applicant shall enter into a Development Agreement with the Town of Dillon prior to issuance of a Building Permit.
- D. The applicant shall grant a new 25' water easement to the Town centered on the fire hydrant lateral and main from the street.
- E. The applicant shall enter into an encroachment license with the Town of Dillon for the residential driveway, site concrete walks & stairways and boulder walls constructed within the 25' sanitary sewer easement. The stairways shall not be connected to the building to allow their complete removal for sanitary sewer main maintenance or replacement.
- F. The Applicant shall submit final site plan, landscape plans, site lighting plans, construction stormwater management plans, and civil and right-of-way construction plans to the Town Engineer for review and approval. The applicant shall address all comments from the Summit Fire & EMS authority prior to submittal of the final drawing set.
- G. The Applicant shall design and construct a storm sewer collection system between the onsite detention ponds to a new double gutter inlet in the W. Anemone Trail Right-of-way near the northern corner of the site, which new inlet shall be connected to the existing inlet near the southeastern corner of W. Anemone Trail and Little Dam Street.
- H. For each phase of the Development, the Applicant shall submit to the Town for review and approval a surveyor's Improvement Location Certificate plat (the "ILC") of the cast concrete foundation for the building prior to final foundation inspection by the Summit County Building Inspection Department (the "Building Department").
- I. For each phase of the Development, the Applicant shall submit to the Town for review and approval a surveyor's Improvement Location Certificate plat (the "ILC") of the framed building height prior to final framing inspection by the Building Department. . The maximum height of each building shall not exceed the allowable height of the Mixed-Use Zone District as calculated using a base elevation of 8883.0' for the Lot 45A Clinic Building, and a base elevation of 8890.5' for the Lot 45B condominium building.
- J. The Applicant shall provide to the Town Engineer, upon the completion of the underground utility installations and prior to the Certificate of Occupancy, an As-Built drawing of the underground utilities associated with the Application to include dimensions and details relating to the location of utility system fittings, components, pipe sizes, alignment, and installation locations.

- K. Due to the minimal nature of the snow storage provided, the Applicant shall enter into a snow storage removal agreement with the Town for the instances when the snow storage is full. Parking spaces shall not be used for permanent storage of snow.
- L. The Applicant shall construct and maintain a trash enclosure for Phase I. A trash enclosure shall remain available to the Phase I portion of the Development during the construction of Phase II. Upon completion of Phase II, and the construction of the permanent trash enclosure approved as a part of the original PUD approval, Phases I and II shall jointly utilize the permanent trash enclosure.
- M. The Applicant shall conform to the PUD Sign Plan requirements set forth in this application, which provides the dimensional standards for a total of six (6) signs for the Development with a total square foot area of 222 square feet. One sign exceeds the typical twenty (20) foot maximum sign length.
- N. The Applicant shall submit an application for a Condominium Map for the Lot 45B residential building for review and approval by both the Planning and Zoning Commission and the Town Council in Public Hearings prior to issuance of a certificate of occupancy for Phase II.
- O. The Applicant shall complete all Public Improvements related to the PUD prior to issuance of the Certificate of Occupancy for Phase I. All landscaping and site improvements for Phase I shall be completed prior to issuance of the Certificate of Occupancy for Phase I. All site improvements and landscaping shall be completed for Phase II of the PUD prior to issuance of the Certificate of Occupancy for Phase II of the PUD.
- P. The Applicant shall enter into a Restrictive Covenant Agreement with the Town to ensure the apartment units constructed as part of Phase I are to be used solely as temporary housing for employees of the urgent care facility, or workforce housing for persons working at least 30 hours per week in the Town of Dillon or Summit County.
- Q. The Applicant shall grant 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. If the final lot line between Lots 45A and 45B needs to be adjusted, the Applicant shall submit an additional application for approval of a lot line adjustment to the recorded plat.
- R. The Applicant shall pay all fees associated with the respective phase of development as required by the Dillon Municipal Code prior to issuance of a Building Permit for the respective phase. Those fees include but are not limited to water tap fees, sewer tap fees, encroachment license fees, development impact fees, grading permit fees, right-of-way undertaking fees and outstanding legal fees associated with the review of the Application and its associated licenses and agreements.