

**PLANNING & ZONING COMMISSION ACTION ITEM
STAFF SUMMARY
AUGUST 5TH, 2020 REGULAR MEETING**

DATE: July 31, 2020

AGENDA ITEM NUMBER: 6

ACTION TO BE CONSIDERED:

Resolution No. PZ 11-20, Series of 2020.

**A RESOLUTION APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A
MINOR AMENDMENT TO THE DILLON URGENT CARE AND RESIDENCES PUD
DEVELOPMENT PLAN.**

**DILLON URGENT CARE & RESIDENCES PUD APPROVAL HISTORY &
TIMELINE:**

- 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 (Public Hearing). The Planning Commission recommended approval of the PUD by Resolution No. PZ 13-18, Series of 2018 (Public Hearing) at their September 5th, 2018 meeting. The approved project was for a medical clinic with three associated workforce housing units and an attached residential complex in the rear comprised of eighteen units.
- 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 (Public Hearing).
- At the July 3rd, 2019 Planning Commission meeting, the Commission passed Resolution No. PZ 15-19, Series of 2019 (Public Hearing), approving a minor PUD amendment which separated the original single building into two separate buildings, a commercial clinic (with three workforce housing apartments) and a condominium building, approved phasing of the buildings, and adopted a PUD sign plan for the development.
- The developer completed the relocation of the sanitary sewer along the east property line in the Fall of 2019.
- 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 (Public Hearing). The Town Council approved the plat on February 4th, 2020 by Resolution No. 07-20 Series of 2020 (Public Hearing). This approval created the new sanitary sewer easement for the relocated sewer main and vacated the existing sewer easement.
- Earlier this year, the applicant applied for a major PUD amendment for this project, which was ultimately denied by the Town Council, although a reason for the denial, was not specifically stated in the motion for denial.

SUMMARY:

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

Development Concept (*Unchanged by requested minor amendment*)

The Lot 45A phase consists of the construction of a commercial clinic building, utility and drainage infrastructure, and the commercial parking lot. The commercial building will 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 an underground parking garage and resident storage units on the backside of the building.

2020 Minor PUD Amendment Summary:

- 1) RAISE parking garage slab floor elevation. NO OVERALL HEIGHT CHANGE. The architect was able to flatten the pitch of the roof and reduce the vertical distance between floors in order to raise the parking garage slab elevation without raising the northern roof ridgeline elevation.
- 2) ADD a separate dedicated driveway to the northeast corner of the residential building on Lot 45B and reconfigure the layout of the parking garage. This eliminates access to the parking garage through the clinic parking lot.
- 3) ADD a sidewalk on Lot 45B between the two buildings for better internal circulation. The footprint of the elevator entry area was reconfigured in order to allow the sidewalk to be installed.
- 4) REVISE site grading, landscaping and utility plans accordingly.
- 5) REVISED Pedestrian Entrance to the Residential building.

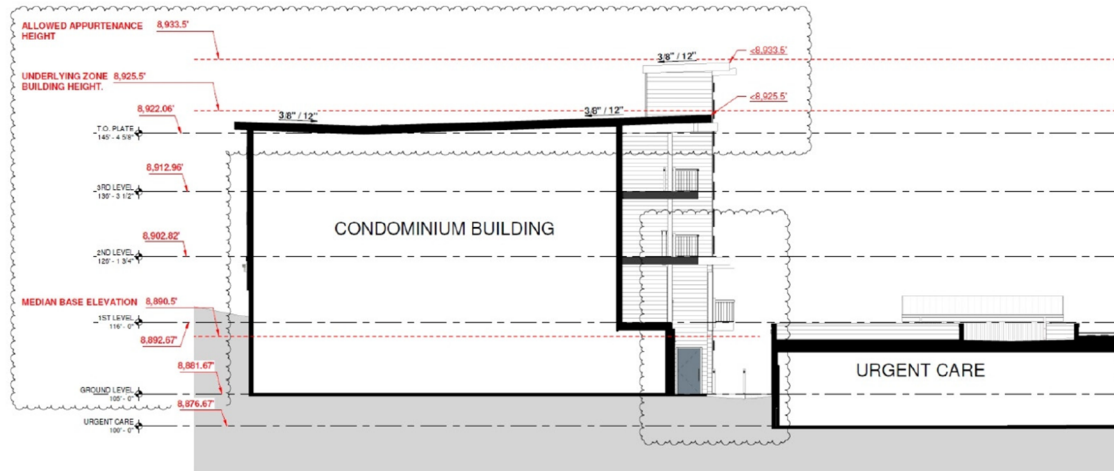
What is Not Changing:

- 1) The general project concepts. Two buildings on two lots.
- 2) Lot area building coverage.
- 3) The approved density (number of units) per each lot.
- 4) The proposed uses for each lot.
- 5) The location of the buildings with respect to the property lines. (Yards and setbacks)
- 6) The clinic parking lot configuration.
- 7) The amount of building signage.
- 8) The quantity of trees has been maintained.

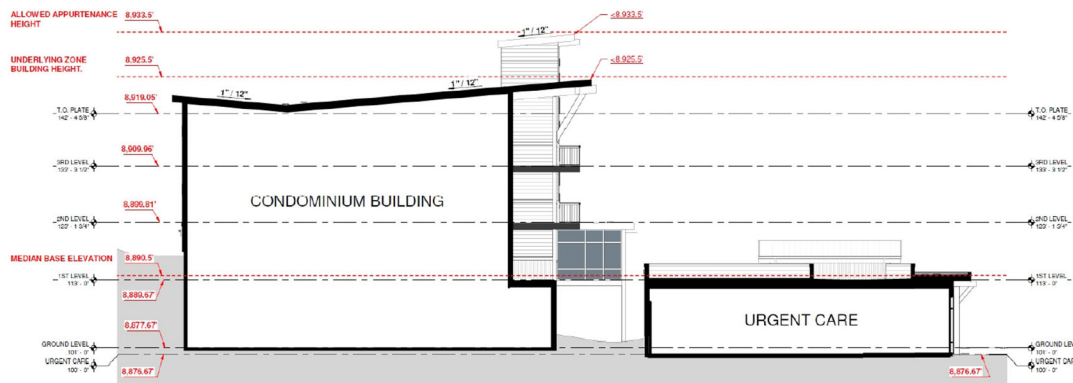
2020 Minor PUD Amendment Detailed Explanation:

1) RAISE parking garage slab floor elevation. NO OVERALL HEIGHT CHANGE.

The applicant raised the finished floor elevation of the garage 4'. The applicant flattened the pitch of the roof and reduced the vertical spacing between floors in the Lot 45B residential building to keep the height of the building below the maximum height allowed by the Town municipal code in the Mixed-Use Zone district.



Proposed Building Cross Section



Approved Building Cross Section

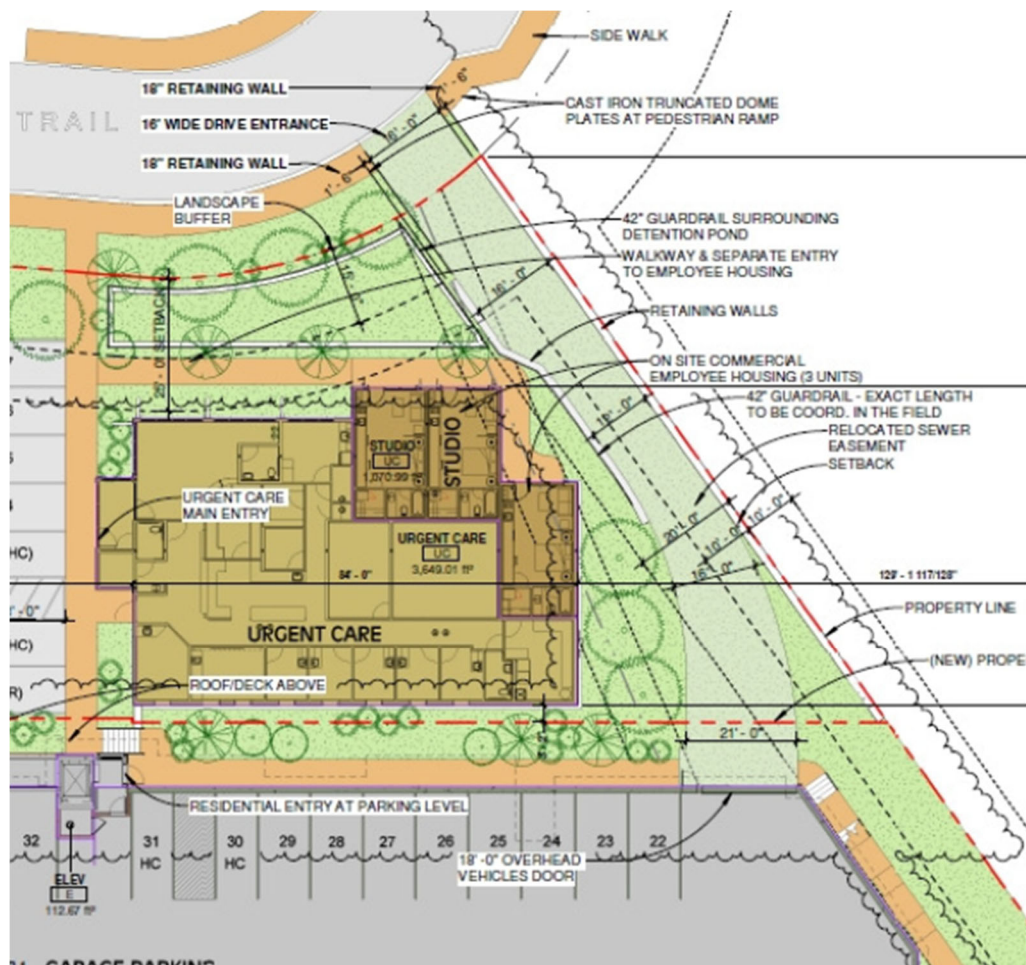
Roof Ridge Height: In both cases, the maximum height of the northern ridge line (shown on the right side of the cross sections) was held at an elevation of 8925.5', which is the maximum allowed height for the residential building.

Elevator Tower Height: The elevator tower maximum elevation does not exceed the approved elevation of 8933.5' in both instances. The top of the elevator tower is allowed to be an additional 8' above the maximum roof elevation in accordance with the Code.

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

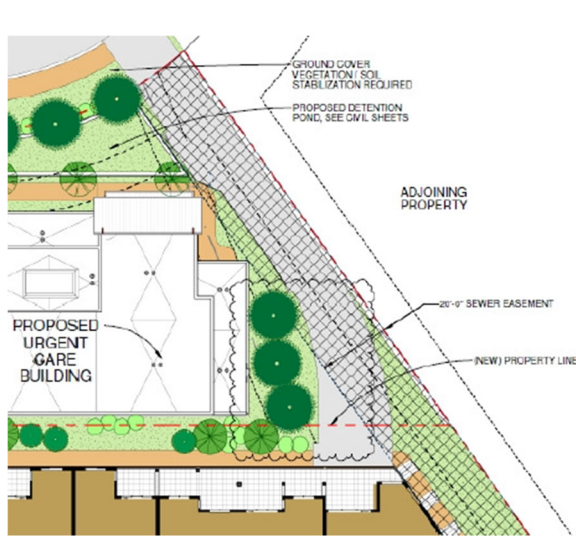
As described above, the applicant raised the finished floor elevation of the garage 4', causing access through the clinic parking lot to no longer be possible. The applicant modified the site plan to create a new **separate residential driveway** to the northeast corner of the condominium building, along the eastern property line adjacent to the Dillon Dam Brewery development. This driveway will only serve the residential building. The garage access through the clinic parking lot to the northwest corner of the residential building has been eliminated.

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

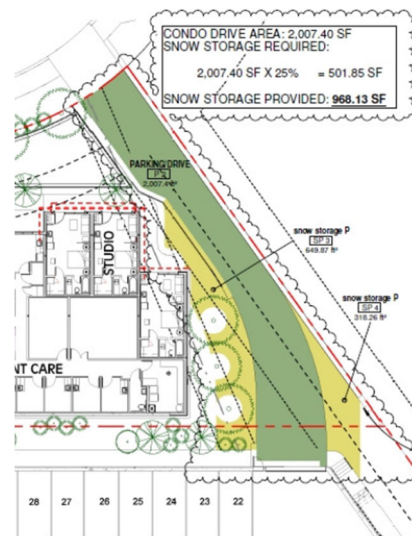


Proposed Separate Driveway to the Residential Building

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.



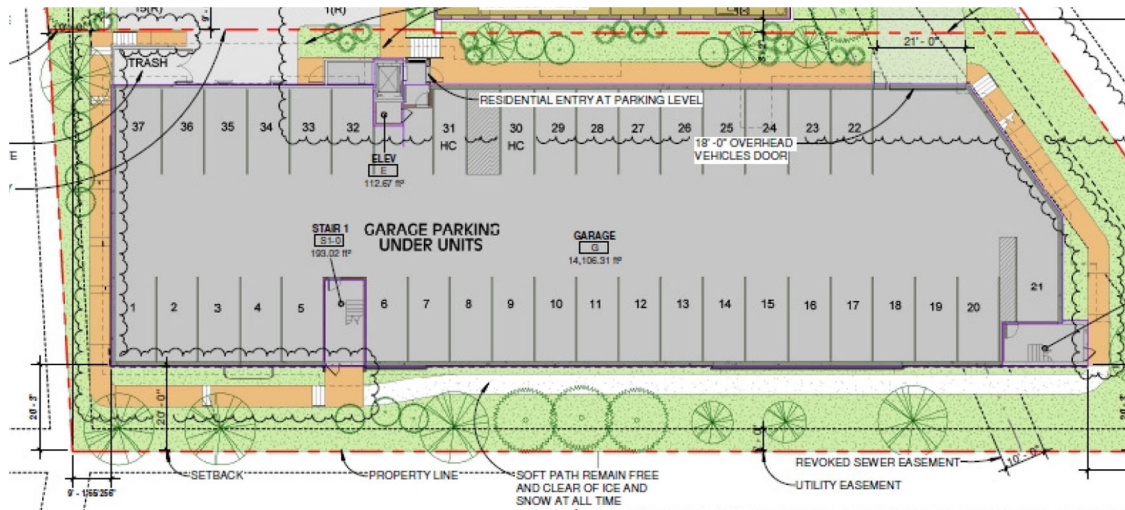
Proposed Driveway showing Landscaping



Proposed Driveway showing Snow Storage

The 20' wide sewer easement along the east property line (along the Dam Brewery) prevented trees from being planted within the 20' easement. The trees near the new garage entrance locations were shifted to the west into the area between the new driveway, clinic building and residential building.

The Garage Floor Parking Layout was reconfigured to accommodate the new location of the separate residential driveway at the northeast corner of the building. The parking lot layout is more efficient and provides a total of 37 parking spaces, which provides one additional space more than the approved plan total of 36.

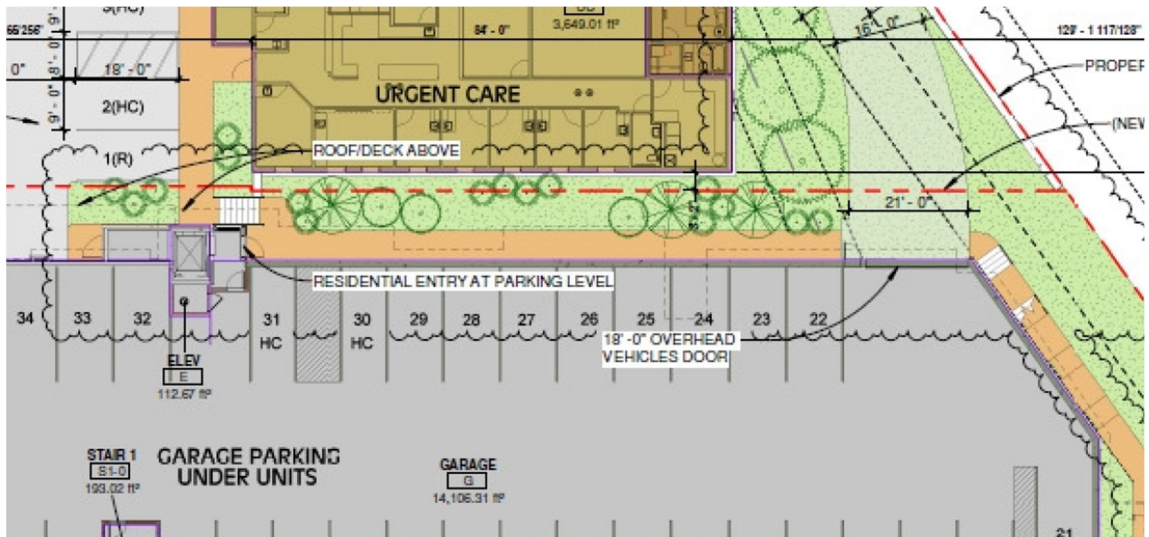


Proposed Revised Residential Garage Parking Lot Configuration

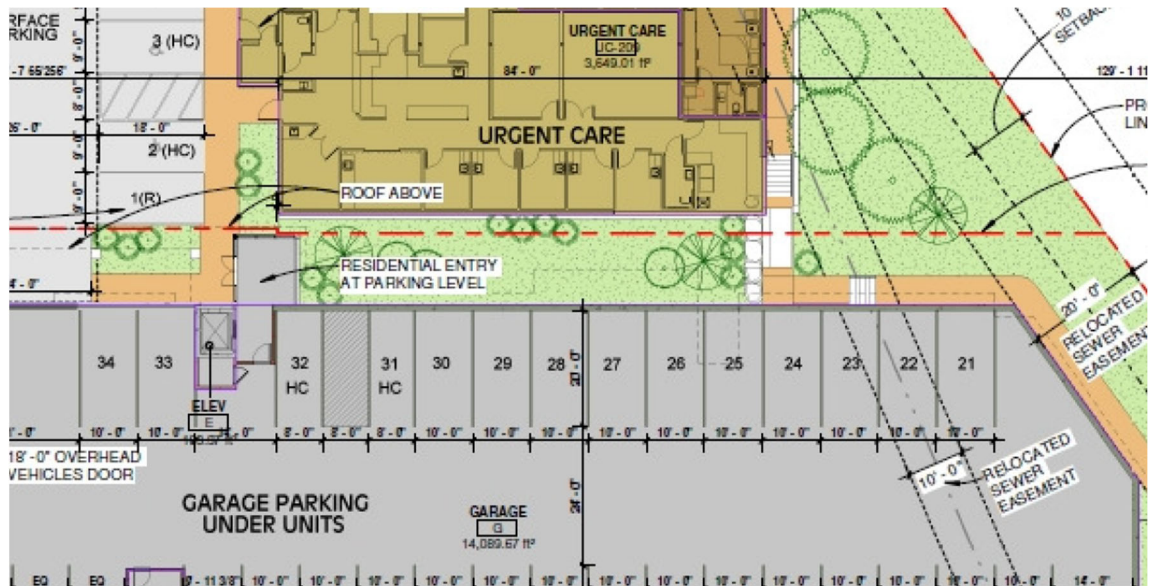
Note: The residential garage connection through the Urgent Care Clinic parking lot has been eliminated.

3) ADD a sidewalk on Lot 45B between the two buildings for better internal circulation.

The applicant reduced the size of the elevator entry area to the residential building and designed a new sidewalk along the northern side of the building to connect the separate garage entrance back to the elevator on the outside of the building. Some of the trees were shifted towards the urgent care building to make room for the residential driveway. **No trees were eliminated.**



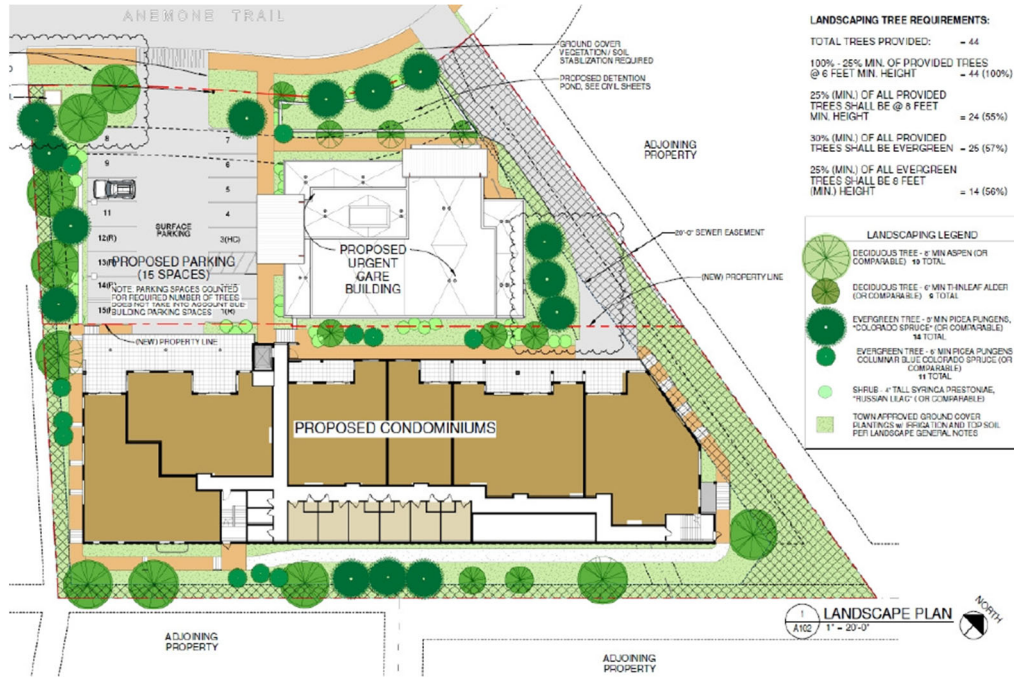
Proposed Sidewalk between buildings



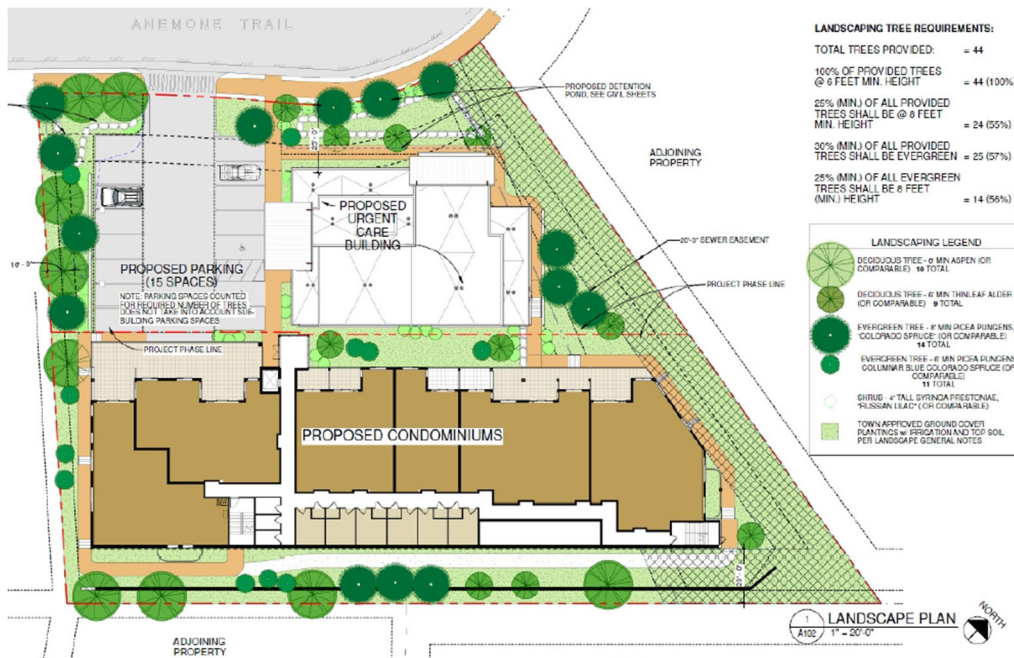
Approved area between the two buildings

4) REVISE site grading, landscaping and utility plans.

The landscape, site, grading and utility plans will be adjusted to accommodate the new driveway and sidewalk layout. The corresponding landscape plans are shown below for comparison. It should be noted that no trees were eliminated and the new and existing landscape plans each provide a total of 44 trees. Trees were shifted to accommodate the site plan changes. The number of large street trees were also preserved in the revised plan.



Proposed landscape plan (44 Trees)



Approved landscape plan (44 trees)

5) REVISED Pedestrian Entrance to the Residential building:

Because the garage floor slab elevation was raised 4', the pedestrian entrance to the residential building had to be adjusted accordingly. The drawings below show how this was accomplished. The old garage entrance was also broken up with two vertical stone columns, so that it no longer looks like a garage entrance.



Proposed Residential Elevator Entry



Approved Residential Elevator Entry

Application Classification:

Town staff reviewed the application and determined that a minor PUD amendment was appropriate because it met the criteria for a “Minor Change” as stated in Town of Dillon Municipal Code (“Code”), Section 16-1-200. “Definitions” as follows:

Minor change means a proposed change to an approved development permit that does not qualify as a "correction" or "adjustment" and does not:

1. Change the general character of the development or the proposed density;
2. Change the boundaries of the permitted development;
3. Change any use, such as residential to commercial;
4. Significantly change the location or amount of land devoted to a specific land use; or
5. Relax dimensional standards or other specific requirements established by the Planning Commission or Town Council as a condition of approval.

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.

Planning and Zoning Commission Procedure:

The Planning and Zoning Commission, after review of the minor PUD amendment to the approved PUD Development Plan shall either approve the application, approve the application with conditions, or deny the application.

Resolution Conditions of Approval Revisions:

- 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 “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.
- Condition “R” was added requiring the applicant to provide a revised PUD Development Plan set for recording purposes if the minor amendment is approved.
- Condition “S” requires the applicant to enter into a snow removal agreement.

BUDGET IMPACT: None

MOTION FOR APPROVAL: I make a motion to approve Resolution PZ 11-20, Series of 2020, titled “A RESOLUTION APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A MINOR AMENDMENT TO THE DILLON URGENT CARE AND RESIDENCES PUD DEVELOPMENT PLAN.”

MOTION, SECOND, ROLL-CALL VOTE: Resolutions require a majority affirmative votes from the commissioners present to pass the resolution. Currently, the commission only has three (3) appointed members, so two (2) votes are required to approve the resolution.

STAFF MEMBER RESPONSIBLE: Dan Burroughs, Town Engineer

DETAILED PLANNING AND ZONING ANALYSIS
(minor amendment changes are in red italics)

Plan Orientation:

The proposed PUD site sits at an angle to the typical cardinal compass directions. Plan north is shown on the architectural drawings and for the purposes of this report, the W. Anemone Trail side of the development is designated as north, the Dam Brewery is along the east side of the property, the Clearview townhomes are located on the west side of the site, and the Eagleview & Anemone Townhomes are located along the south side of the PUD parcel.

Public Notice:

Pursuant to the Dillon Municipal Code and Development Regulations (**the “Code”**), proper notification of the August 5th, 2020 was completed prior to the public hearing. An ad was published, a mailing was sent out to property owners within 300 feet of the property, and a sign was posted on the property on July 28th, 2020.

Zoning:

The PUD is located within the Mixed Use (MU) Zone District of the Town of Dillon. This approved PUD and subsequent approved amendments establish the final zoning for this development.

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.

A permanent access easement across Lot 45A will be dedicated to the Lot 45B parcel owner to provide a permanent legal connection between Lot 45B and the Town right-of-way.

Proposed Building and Site Overview:

The proposed development consists of two buildings on two lots.

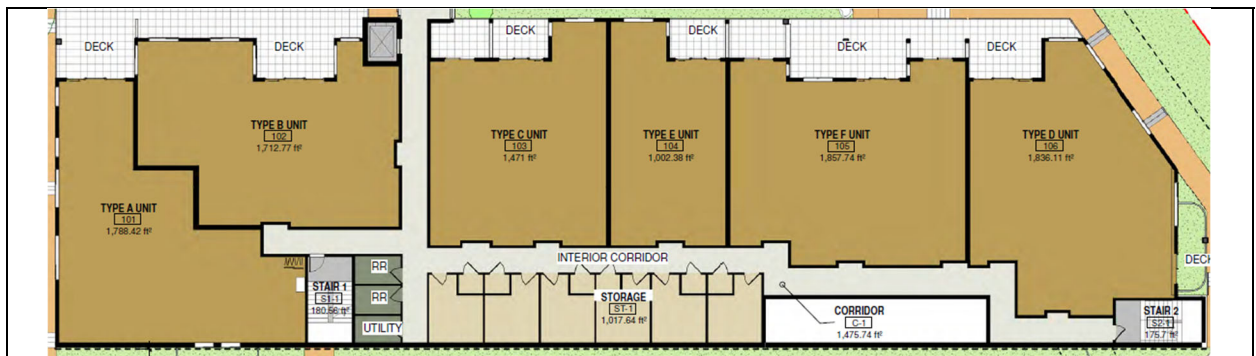
The proposed mixed-use clinic building (Phase I of the PUD), will be constructed on Lot 45A adjacent to the E. Anemone Trail right-of-way. The parking lot will be constructed on the western side of the building. Phase I consists of 3,649 sf of medical office area and 1,071 sf of Workforce Housing residential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

The separate multi-family residential building and lower level parking garage (Phase II) will be placed on Lot 45B, behind the Lot 45A building and parking lot. The residential building will contain three floors of condos above the parking with approximately 29,017 sf of living area.

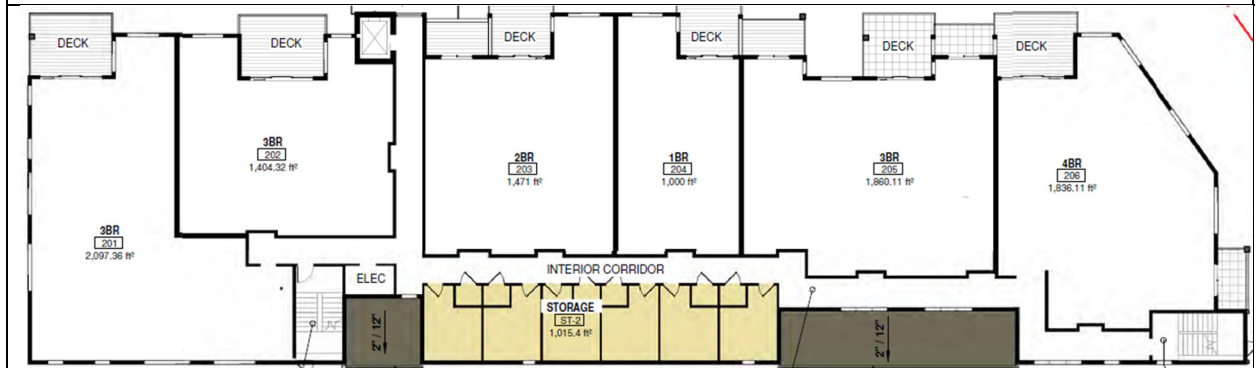
The residential unit mix approved with the 2019 minor amendment and the approximate square footages are shown in Table 1 below. The project consists of (3) 1-bedroom units, (3) 2-bedroom units, (9) 3-bedroom units, and (3) 4-bedroom units. A total of 18 units.

Table 1: Lot 45B Condominium Building Unit Type and Approximate Areas

<i>Level</i>	<i>1st</i>	<i>2nd</i>	<i>3rd</i>	<i>Total</i>
	Area (sf)	Area (sf)	Area (sf)	Area (sf)
3 Bedroom (A)	1,788			1,788
3 Bedroom (A*)		2,098	2,098	4,196
3 Bedroom (B)	1,713			1,713
3 Bedroom (B*)		1,405	1,405	2,810
2 Bedroom (C)	1,471	1,471	1,471	4,413
4 Bedroom (D)	1,836	1,836	1,836	5,508
1 Bedroom (E)	1,003	1,003	1,003	3,009
3 Bedroom (F)	1,860	1,860	1,860	5,580
	9,671	9,673	9,673	29,017



Residential Level 1 Floorplan



Residential Level 2 Floorplan



Residential Level 3 Floorplan

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.

An additional sidewalk was added between the two buildings in order to provide a pedestrian route along the north side of the residential for fire department access around the entire building. The existing sidewalk along the east side of the urgent care was then eliminated to provide room for landscaping and snow storage between the Urgent Care building and the residential driveway.

The proposed second driveway provides a dedicated separate access to the Lot 45B residential building and eliminates access to the building through the clinic parking lot on Lot 45A. The Town code does not regulate the width of an approach driveway, unless there is parking attached. In this case there is no attached parking, and the applicant is proposing that the driveway be necked down to a minimum of 12’ at the northeast corner of the clinic building. The Town Engineer approved this concept since this is a private access drive and the traffic volume is very light and solely for the residents of the condominium building. The applicant will install appropriate one-lane road or caution signs at each end of the restriction.

Exterior PUD Building Yards (Setbacks):

The Town code uses the term Yard instead of Setbacks. The following table demonstrates the previously approved setbacks for the PUD and measurements from the nearest point on each building perpendicular to the adjacent property line.

PUD Exterior Yards (Setback)	Approved Minimum	Measured at Closest Point of Building to Property Line
Front Yard	25 feet	25.6’ (Lot 45A-Clinic Building)
Side Yards	10 feet	85.4’ (West) (Lot 45A-Clinic Building) 21.1’ (East) (Lot 45A-Clinic Building) 10.3’ (West) (Lot 45B-Residential Building) 20.5’ (East) (Lot 45B-Residential Building)
Rear Yard	20 feet	20.2’ (Lot 45B-Residential Building)

As a point of clarification, the approved PUD established the rear yard setback to be 20' for the entire length of the property. The Eagle View Townhomes (adjacent to more than half of the PUD rear lot line) is zoned Mixed-Use (MU) which requires a 20-foot rear yard. The adjacent properties, Rocky Point Townhomes, Dillon Inn, Clearview Townhomes, and Dillon Dam Brewery are all compatibly zoned as Mixed-Use. 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 in 2006, 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 rest of the surrounding properties which are zoned Mixed-Use.

Interior PUD Building Yards – between buildings:

Internal Yards between the Lot 45A and 45B buildings are established by this PUD and its subsequent amendments.

- The clinic building is approximately 3' north of the internal lot line.
- The majority of the residential building sits 12.3' south of this line, although the elevator tower bump-out is only 6.8' from the internal property line.

Lot Coverage:

The mixed-use zone code allows buildings to cover a maximum of 40%. This can be changed through the PUD process. The original PUD approval established the allowable lot coverage at 43.8%. The 2019 minor PUD amendment, which separated the single building into two separate buildings reduced the building coverage to 43.3% according to the approved plans.

The elevator vestibule entry area of the residential building has been reconfigured to add a sidewalk between the two buildings. The footprint of the residential building presented in the 2020 minor amendment plans is 14,877 sf as measured on drawing C-3. The approved building footprint on Sheet C-3 from the approved 2019 minor amendment is measured to be 14,892 sf. The footprint of the proposed 2020 amendment is slightly smaller and has no real impact on the calculation of the percent of building lot coverage which remains at 43.3%.

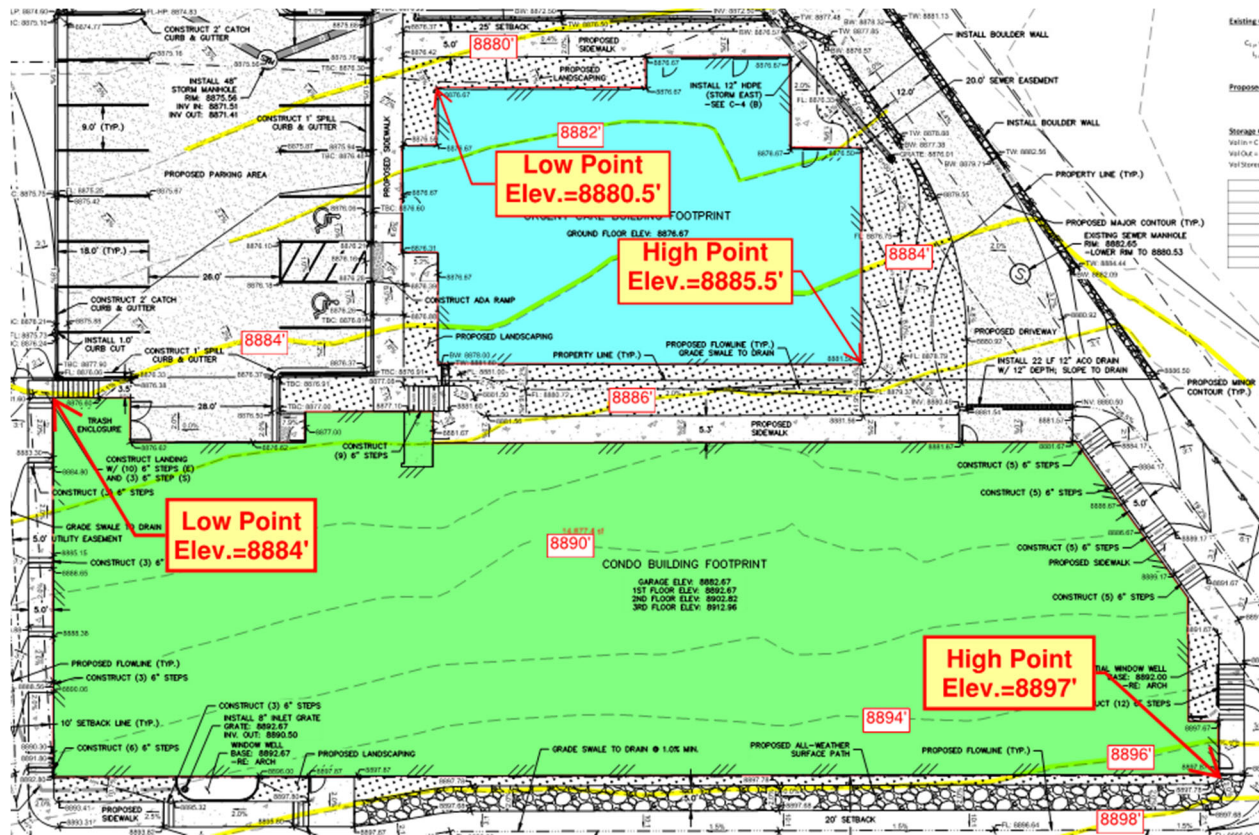
Balcony Open Space Requirements for Residential Units:

The Mixed-Use Zone requires 50 square feet of open space for each Studio Apartments and 100 square feet for each 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 sf requirement.
- The two, three, and four bedroom units on Lot 45B all have decks that exceed the 100 square feet minimum open space requirement.
- Additional ground level open space is provided on site.

Building Height:

The allowable height in the Mixed-Use zone district is 35', measured from the base elevation calculated for each structure by averaging the highest and lowest existing grades at the perimeter of the building foundation. **Both proposed buildings do not exceed the allowable height and meet the code requirement.** In the 2019 amendment, after the single building was split into two buildings, the allowable height for each building was calculated as follows:



Allowable Maximum Height for each building

PUD Lot designation	Low Existing Grade Elevation	High Existing Grade Elevation	Base Elevation for each building	Allowable Top of Roof Elevation Max Height (35')*	Proposed Elevation At Roof High Point
Lot 45A (Clinic)	8,880.5'	8,885.5'	8,883.0'	8,918.0'	8,900.82'
Lot 45B (Condominium)	8,884.0'	8,897.0'	8,890.5'	8,925.5'	8,925.5'

*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.

For the residential Building the maximum elevation of the top of the elevator tower would be calculated at 8933.5', and the proposed top of the elevator tower is 8933.5'.

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.

Lot 45A Clinic Building Parking:

The Clinic Building on Lot 45A requires the following number of parking spaces:

9.2 Spaces	3,649 sf Clinic Space @ 1 space per 400/sf
4.5 Spaces	(3) Apartments @ 1.5 space per unit
13.7 Spaces	Rounded up to 14 Parking Spaces Required

The clinic parking lot **provides 15 parking spaces**, so the proposed parking lot provides one additional space above the code requirement.

Lot 45B Residential Building Parking:

The residential Building on Lot 45B requires the following number of parking spaces:

4.5 Spaces	(3) One Bedroom Units @ 1.5 spaces per unit
6.0 Spaces	(3) Two bedroom Units @ 2.0 spaces per unit
18.0 Spaces	(9) Three bedroom Units @ 2.0 spaces per unit
6.0 Spaces	(3) Four bedroom Units @ 2.0 spaces per unit
34.5 Spaces	Rounded up to 35 Parking Spaces Required

The reconfigured parking garage parking contains 37 parking spaces, so the proposed parking lot provides two additional spaces above the code requirement.

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.

The applicant is providing almost twice the snow storage required for the new separate driveway. The driveway area requires 502 sf of snow storage and 968 sf is provided. (See Plan)

Utilities:

The proposed project will be served by an existing water main located in W. Anemone Trail. Both the residential and clinic buildings will have sewer service pipes that connect to the relocated sanitary sewer main located along the east side of the property.

Drainage:

The applicant will construct a main detention pond on Lot 45A along the north side of the clinic building which will be piped through proposed storm drainage pipes to the existing storm sewer system in Little Dam Street at the intersection with W. Anemone Trail.

Building Signage:

A PUD sign plan was adopted for this project with the approval of the 2019 minor PUD amendment. The PUD Sign Plan provides for PUD specific design criteria for the signage, setting forth the total allowed square foot area of the signage, PUD signage standards for the two phases, and permits the location of signage above the second floor of the residential, Phase II, portion of the PUD.

The PUD Sign Plan sets forth the following dimensional standards:

Urgent Care Sign on Northern Building Face: **95 Square Feet**

Urgent Care Entry Sign on Western Building Face: **36 Square Feet**

Multi-family Tower Sign: **80 Square Feet**

Multi-family Entry Sign: **36 Square Feet**

Total PUD Sign Plan Area: 247 Square Feet

The vertical tower sign on the residential building exceeds the twenty foot (20') maximum length set forth in the Code. This is approved by the PUD Sign Plan approval.

The signage provisions of the Town code would typically restrict each building in this project to a maximum of 75 Square Feet of signage per building, totaling 150 Square Feet. The PUD sign plan which has been approved for this project allows a total of 247 square feet of signage.