

**TOWN OF DILLON
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING
WEDNESDAY, JULY 1, 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, July 1, 2020 by electronic participation through the Microsoft Teams application. Chair Teresa England called the meeting to order at 5:30 p.m. Commissioners present were Teresa England, Charlie Oliver, and Bill Engelman. Staff members present were Dan Burroughs, Town Engineer; Ned West, Town Planner; Nicolas Cotton-Baez, Town Attorney and Michelle Haynes, Recording Secretary.

APPROVAL OF THE MINUTES OF JUNE 3, 2020 REGULAR MEETING

Commissioner Oliver moved to approve the minutes from the June 3, 2020 regular meeting. Commissioner Engelman seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 08-20, SERIES OF 2020 (PUBLIC HEARING)

A resolution recommending approval of a Level IV Development Application for a PUD Landscape Plan for the multi-family project at 14 Ensign Drive.

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. Public notice was provided in accordance with the Code.

Chair Teresa England opened the hearing at 5:36 p.m.

Jamie Haas gave a summary about the Landscape plan he is offering. This summary included a background of the project, along with specific details of the foliage placement, species, and explanation on why they will be best for this location.

Town Planner, Ned West presented the staff summary and reviewed the landscape plan with the Commissioners.

PROJECT LOCATION:

Multi-family project located at 14 Ensign Drive, Dillon.

SUMMARY:

The Town has received a Level IV Development Permit Application for a PUD Landscape Plan for the multi-family development at 14 Ensign Drive, more specifically described as Lot 1, Block 5, Corinthian Hill Subdivision. The applicant is Chills LLC. The Application is submitted to provide for site specific landscaping requirements, which deviate from the general landscape requirements found in the Dillon Municipal Code, through the Planned Unit Development review process. The submittal of the Application is in response to a condition of approval of the multi-family development on the site.

Summary Landscaping Requirements:

- Street Trees: One (1) tree for every fifteen linear feet (15 LF) of street frontage including front and side yards adjacent to streets.
- Tree Height: Minimum six foot (6’) with twenty-five percent (25%) of the proposed trees to be eight foot (8’) tall.
- Tree Caliper: Minimum one and a half inches (1-1/2”) measure two inches (2”) above the ground.
- Types: Minimum thirty percent (30%) evergreens with twenty-five percent (25%) of the evergreens required to be at least eight feet (8’) tall.

No trees shall be planted within ten (10) lateral feet of any underground water line, sewer line, transmission line or other underground public utility. In addition to the required trees, the site shall be landscaped with grasses, ground cover, and shrubs suitable to the site and in fitting with the adjacent residential properties.

All required yards and the entire open space of all multi-family dwelling sites, exclusive of walks, drives, parking areas and buildings, shall be landscaped and permanently maintained. Landscaping shall primarily consist of ground cover, trees, shrubs, and other living plants with sufficient irrigation to properly maintain all vegetation. Revegetation of the site is required. All surface areas designated on the approved site plan that will not be a hard surface shall be planted with adequate ground cover as approved by the Town and shall be top-dressed with a minimum of two (2) inches of topsoil prior to planting. In addition, irrigation systems shall be provided in those instances where required to guarantee the proper growth of the landscaping being provided.

Plants Provided with Application:

	<u>Linear Feet</u>	
Street Frontage	303'-4" +/-	
	<u>Required</u>	<u>Provided</u>
Street Trees at 1 per 15 LF	20	7
Street Shrubs	-	21
Additional Trees	-	2
Additional Shrubs	-	11
TOTAL:	20	41
Required Evergreens	7	3
Required 8' Evergreens	2	2

The application deviates from the general Code requirements by providing fewer evergreens and street trees. This is in response to the Corinthian Hill Property Owner’s Association who asked the Applicant to provide a landscape plan that does not impact neighboring views of the lake and mountains by having too many tall growing evergreen trees. The Applicant has proposed Bristlecone Pine trees that are slow growing and do not have an excessive mature height. The other tree species provided is Spring Snow Crabapple which also do not grow very tall. The maximum mature height of a Bristlecone Pine is about 25 feet, and a Spring Snow Crabapple maximum mature height is about 20 feet. In contrast Colorado Spruce and Blue Spruce trees can grow up to 75-115 feet tall. Where the plan may lack in the total

number of street trees, it more than makes up for that with the numerous additional shrubs of varying species: Chokecherry, Alpine Current, and Dwarf Arctic Willow.

Snow Storage: The Code requires snow storage areas of not less than 25% of the hardscape snow removal area. The site has approximately 2,930 square feet of hardscape requiring snow removal. The PUD Landscape Plan shows a total of 877 square feet of snow storage provided, which is 30% of the hardscape area.

Off-Street Parking: Parking is provided in the garages of the units, as well as surface parking in front of the garages. There are two separate driveway cuts proposed, one for each of the two buildings. The Code requires off-street parking areas to be screened with landscaping. Landscaping is provided in the vicinity of the driveways to screen vehicles.

PUBLIC COMMENTS:

Written Public comments were respectively read into the record by Michelle Haynes, recording secretary and can be found in Attachment “A”.

There were no members of the public present to address the Commission with additional testimony.

COMMISSIONER QUESTIONS:

The Commissioners asked several questions regarding:

Landscaping: Will any of the vegetation impact road signage as it grows? Ned assured that none of the landscape will interfere with road signs in the area.

Fruiting Plants: Will the Crabapple Trees and Choke Cherry Trees be of the fruiting variety? Mr. Haas was unsure if the tree selection would be fruiting variety but will investigate this issue.

Storm Drainage: Will there be any issues with falling leaves as winter approaches, clogging up the drainage system in place? Ned explained that this should not be an issue, as the homeowner’s association for the multi-family project will be responsible for maintenance of the landscape year around. Leaf clean up should be included in this care taking. Storm drain inlet sumps and Public Works department regular maintenance of right-of-way structures were also discussed.

PUBLIC HEARING CLOSED:

Chair Teresa England closed the public hearing at 6:00 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Charlie Oliver moved to approve Resolution No. PZ 08-20 Series of 2020. Commissioner Bill Engelman seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 09-20, SERIES OF 2020 (REVISED) (public hearing)

A resolution approving a Level III Development Application for a Conditional Use Permit for a Wholesale Trade Class 1 Business at 124 Main Street.

PUBLIC HEARING:

A Public Hearing is required for this application. The Planning and Zoning Commission shall open a Public Hearing on the application and hear testimony from Town staff, the applicant, and any public testimony submitted during the Public Hearing.

Chair Teresa England opened the hearing at 6:04 p.m.

REVIEW PROCESS & PUBLIC HEARING NOTICE:

Level III Applications require a public hearing before the Planning and Zoning Commission. Town staff advertised the public hearing in the legal section of newspaper in general circulation in Summit County, posted the site and public notification locations, and sent out a mailing to property owners within three-hundred feet (300') of the property. The Code requires notification of public hearings not more than fourteen (14) days and not less than seven (7) days prior to the hearing date and the notifications met these dates.

Applicant Phil Gordon with Breck Booch LLC stated his Breck Booch Kambucha Manufacturer Business Narrative:

The space I have for this business consists of two conjoining spaces of a little over 400 square feet each. In Suite 204 is my desk and office space at the entrance. The room next to that is the fermentation room. In this room I have a bunch of large carboys filled with tea fermenting. The room is temperature and light controlled. Suite 203 is the production and storage room. Here I have a walk-in fridge with taps. I have a large 3 compartment sink. I have a cooking station for boiling tea. The process is I boil tea and fill carboys in the production room. Then they sit in the fermentation room for 8 days. Then flavor and CBD are added and then tea is transferred to a keg in the fridge. Then the keg is carbonated for a day and stored in the fridge until ready for delivery. I have a delivery truck that I will be using personally. I can load this truck from a parking space. I will allow customers to come fill their growlers directly from my taps in the brewery. That is the only retail use I have for this space and I think it will be minimum. Focus is on wholesaling kegs to bars. Kombucha produces trace amounts of alcohol. The product is under the limit of .5 percent alcohol by volume, making it a non-alcoholic drink.

Ned West, Town Planner, presented the staff summary. He reported that Breck Booch LLC has submitted an application for a Level III Development Permit application for a Conditional Use Permit for a Wholesale Trade Class 1 business license located at 124 Main Street, more specifically described as Lot A, Block M, New Town of Dillon Subdivision. The Applicant is Breck Booch LLC (Phil Gordon, Owner), a Kombucha (fermented tea) manufacturer. The Dillon Municipal Code requires a Conditional Use Permit for a Wholesale Trade Class 1 business in the Core Area zone district.

PROJECT LOCATION:

Located at 124 Main Street, Dillon.

SUMMARY:

The Application is located in the Core Area (CA) zone district. Wholesale Trade Class 1 establishments are listed as a Conditional Use in the Core Area zone district (Sec. 16-3-150). A conditional use is an activity generally similar to other uses permitted within a zoning district, which, because of the manner in which the proposed use could be developed, may not be appropriate in all situations or may require the imposition of special conditions to ensure compatibility with existing and potential land uses within the vicinity (Sec. 16-5-200).

Code Definition of Wholesale Trade Class 1: shall be limited to brewpubs, artisan's workshops, artisan's studios and those wholesale trade establishments which manufacture, repair or assemble apparel, furniture, home furnishings, skis, snowboards, kayaks, canoes, sails, tents, backpacks, sleeping bags and other nonmotorized recreational equipment for indoor or outdoor use. This class shall also include wholesale trade

establishments which produce ingestible items, such as food, beverages, and alcoholic beverages. Allowable uses as production of ingestible items would include bakeries, confectioners, and catering.

PUBLIC COMMENTS:

Written Public comments were respectively read into the record by Michelle Haynes, recording secretary and can be found in Attachment “B”.

There were no members of the public present to address the Commission with additional testimony.

COMMISSIONER QUESTIONS:

The Commissioners had no questions regarding this proposal.

PUBLIC HEARING CLOSED:

Chair Teresa England closed the public hearing at 6:30 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Charlie Oliver moved to approve Resolution No. PZ 09-20 Series of 2020. Commissioner Bill Engelman seconded the motion, which passed unanimously.

Consideration of Resolution PZ 10-20, Series of 2020 (REVISED) (Public Hearing)

A resolution recommending approval of an ordinance amending the Dillon Municipal Code regarding Fees in Lieu Of required parking spaces.

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 6:31 p.m.

The Town Planner, Ned West, presented the summary to the Commission.

SUMMARY:

At the parking retreat on June 9, 2020 Council directed staff to lift the moratorium for the submission, acceptance, processing, or approval of any request for payment in lieu of deficient parking spaces.

Council also directed staff to amend the parking in lieu of fee to the following:

Spaces 1 through 3	\$2,000 per space
Space 4 through 6	\$5,000 per space
Space 7 through 9	\$10,000 per space
Space 10 through 12	\$15,000 per space
Space 13 through 15	\$20,000 per space
Space 16 through 20	\$35,000 per space

To accommodate these changes, there were required minor amendments to Chapter 16 “Zoning” which requires review and recommendation by the Planning and Zoning Commission prior to being approved by Town Council. A copy of the Ordinance with the subject Chapter 16 changes is found in Exhibit ‘A’ of the Resolution.

The Town Council has scheduled a public hearing on the ordinance for their regular meeting on July 7, 2020.

PUBLIC COMMENTS:

There were no public comments.

COMMISSIONER QUESTIONS:

The Commissioners asked several questions about what other towns do and how it affects businesses, is it business neutral? Dan Burroughs and Ned West explained that this situation is unique to Dillon. The surrounding towns do not own and maintain their parking lots in town like the Town of Dillon does. Lots of front range towns implement in Lieu of fees. It may not be ideal to businesses, but it puts the Town in the position to manage the parking.

PUBLIC HEARING CLOSED:

Chair Teresa England closed the public hearing at 6:47 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Charlie Oliver moved to approve Resolution No. PZ 010-20 Series of 2020. Commissioner Bill Engelman 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.

PROJECT UPDATES:

- Panera Bread: The 4-way stop is in and working great. The applicant is moving forward with the original wall design.
- Vail Health: The building is going up quickly and is expected to be completed mid-summer 2021.
- Homewood Suites: Moving along; roof is on.
- Urgent Care: Town Council denied Major PUD Amendment. Will potentially be returning in the future after reassessing the project.
- Uptown 240: Appears to be on hold; the Town has no facts on the matter.

OTHER BUSINESS:

No other business was discussed.

ADJOURNMENT

There being no further business, Teresa England adjourned the meeting at 6:56 p.m.

Respectfully submitted,

Michelle Haynes

Michelle Haynes
Secretary to the Commission

Resolution PZ 08-20, Series of 2020

Attachment 'A'
Written Public comment
14 Ensign Drive

From: Carolyn Patterson <wcsp@suddenlink.net>
Sent: Friday, June 26, 2020 1:51 PM
To: Adrienne Stuckey <ASTuckey@townofdillon.com>
Subject: Public Hearing

We are writing concerning the hearing on July 1st of the Planning and Zoning Commission. First we were not aware that final approval had been given to the multi-family unit at 14 Ensign Drive. This is the first we have heard of it and did not receive written notice as we did this time.

We will first register our opposition to the multi-family unit. All the homes in this area are single family units and there are not any apartments or multi-family units. This would change the whole complexion of the neighborhood and increase parking especially on the street which is already a problem. This development is not appropriate for this area.

We will also register our opposition to the Landscape Plan. Here again this does not fit into the general layout of the neighborhood and would stand out as being different. This is not the type of landscape that most homes in this area have. The shrubs are basically trying to hide the area from view and not draw attention to it.

Thank you so much for allowing us to give our opinion for this project.

Carolyn, Scott, and Jason Patterson
75 Corinthian Circle
Dillon, Colorado

Resolution PZ 09-20, Series of 2020

Attachment 'B'
Written Public comment
124 Main Street

From: Bob Brands <rcbrands@gmail.com>
Sent: Thursday, June 25, 2020 1:38 PM
To: Adrienne Stuckey <ASTuckey@townofdillon.com>
Subject: Breck Booch

Dear Ms. Stuckey,

Can't wait to sample the products from the new Breck Booch in the Dillon Plaza building on 1st and Main in downtown Dillon. We know Phil is bringing only the best ingredients to make the custom brew for the mountains. This will be a perfect addition to supply the concert series and the marina with refreshing and healthy drinks with an unusual taste.

We are in full support of Breck Booch and love the location in this building. The parking is easy and as I said it will perfect for concerts, the lake and just a stop over on long rides. This will be a good addition to downtown and will bring people in the area that otherwise might skip downtown. We know you are considering a permit for this business and would like to see it approved as we see a large benefit to the community.

Thanks,
Bob Brands

From: DeWayne Andersen <dewayne_31541@yahoo.com>
Sent: Tuesday, June 23, 2020 8:42 PM
To: Adrienne Stuckey <ASTuckey@townofdillon.com>
Subject: Break Booch

We are really excited that you're considering the Kambucha Brewer to be allowed to do business at 124 Main St in Dillon. The owner is an enthusiastic young entrepreneur who will bring a positive influence to the Dillon area.

[Sent from Yahoo Mail on Android](#)

From: B-RAD Life and Adventures <bradfordg61@gmail.com>
Sent: Tuesday, June 23, 2020 9:47 AM
To: Adrienne Stuckey <ASTuckey@townofdillon.com>
Cc: Bob Brands <rcbrands@gmail.com>; Brad Foreman <bradfordg61@gmail.com>; Gail

<Foremangm@aol.com>

Subject: Breck Booch

Ms. Stuckey,

Thanks for the notification for your 07/01/20 public Hearing regarding Breck Booch application for a wholesale Trade Class 1 business proposed in the Dillion Plaza building.

We are completely in support of this use for Breck Booch in the Dillon Plaza building. We have known the owner Phil as a reputable man and a great asset to the business community of Dillon. We also believe that Breck Booch will be a GREAT asset to Dillon and a large sales tax source as well. We are Very excited to have them join our Dillon community. We pray that you will approve this slight change of use for the benefit of the entire community.

--

Peace be with you,

Brad

From: Sandra Foreman <sandra.foreman14@gmail.com>

Sent: Tuesday, June 23, 2020 9:58 AM

To: Adrienne Stuckey <AStuckey@townofdillon.com>

Subject: Breckenridge Booch/124 Main Street, Dillon CO

To Whom It May Concern:

I believe the Kambucha business, Breckenridge Booch, would be a valuable addition to the town of Dillon. Kambucha has amazing health benefits and I drink it every day.

We have known the owner, Phil, for quite sometime and believe he would be an asset the the building and the Community. I do not feel the production would impact any other business in the building.

Thank you for your consideration.

Sandra Fording Foreman
