

**TOWN OF DILLON
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING
WEDNESDAY, AUGUST 5, 2020**

5:30 p.m.

**VIRTUAL MEETING VIA MICROSOFT TEAMS
CONFERENCE ID: 750 921 592# / 318 900 534#**

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, August 5, 2020 by electronic participation through the Microsoft Teams application. Chair Alison Johnston, called the meeting to order at 5:44 p.m. Commissioners present were Alison Johnston, 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.

The meeting did not start at the planned time of 5:30 pm due to a mix up in meeting ID information. Upon starting the meeting, staff was contacted by a member of the public, which informed us that the public was in a different TEAMS meeting than the Planning and Zoning commission. This was caused by a mix up in the Meeting ID# listed on the agenda (318 900 534#) vs clicking on the link provided on the agenda (750 921 592#). Staffed moved over to the meeting with the public (750 921 592#). The recording Secretary monitored both Meeting Rooms for the duration of the August 5th meeting to ensure all parties were present in the proper meeting.

APPROVAL OF THE MINUTES OF JULY 1, 2020 REGULAR MEETING

Bill Engelman moved to approve the minutes from the July 1, 2020 regular meeting. Commissioner Oliver seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 11-20, SERIES OF 2020 (Public Hearing)

A resolution approving a Level III Development Application for a minor amendment to the Dillon Urgent Care and Residences PUD Development Plan.

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 Alison Johnston opened the hearing at 5:55 p.m.

Eric Smith gave a summary about the proposed changes. This summary included an explanation of adding in a residential driveway to the plan along with added sidewalk, shift in tree placement, additional snow storage, and proposed elevations to the garage.

Town Planner, Ned West presented the staff summary and reviewed the minor amendment with the Commissioners.

PROJECT LOCATION:

Located at 956 W. Anemone Trail, Dillon, Lot 45R, Lot 45A and Lot 45B.

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.

PUBLIC COMMENTS:

One written public comment was respectively read into the record by the computer 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 a few questions regarding:

Roof Pitches: Commissioner Johnston referenced the change of the roof pitch and asked why it is necessary. Eric explained the reason for this is stop and drainage from rolling off the roof and instead get it to roll back to the center for heated interior drainage.

Residential Driveway: Commissioner Engelman asked about the width of the new proposed driveway and if it will be appropriate for cars to pass. Eric explained it will be between 16' – 21' which should be suitable.

Parking and trash enclosure: Commissioner Engelman questioned if the parking was abiding by the current code and was assured by the Ned, Town Planner, that yes it was up to code. Commissioner Oliver asked if the trash location had moved, it has not moved it was just marked differently on the plans.

PUBLIC HEARING CLOSED:

Chair Alison Johnson closed the public hearing at 6:26 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Bill Engelman moved to approve Resolution No. PZ 11-20 Series of 2020. Commissioner Alison Johnston seconded the motion. The motion passed with 1 vote in favor and 1 against. Commissioner Charlie Oliver did not vote in favor of this Resolution.

PROJECT UPDATES:

- Panera Bread: The 4-way stop is in and working great. The project is currently on hold.
- Vail Health: The building is going up quickly, parking garage is up.
- Homewood Suites: Moving along.
- Sail lofts: Finishing up.
- Uptown 240: On hold.
- Columbine Center: Nothing Changing.
- Ice Castles: Still in negotiation.
- Town Park: On hold due to pandemic.

OTHER BUSINESS:

No other business was discussed.

ADJOURNMENT

There being no further business, Alison Johnston adjourned the meeting at 6:53 p.m.

Respectfully submitted,

Michelle Haynes

Michelle Haynes
Secretary to the Commission

Resolution PZ 11-20, Series of 2020

Attachment 'A'
Written Public comment
Dillon Urgent Care and Residences

From: DAVID SERVINSKY <coloneldave@me.com>
Sent: Wednesday, August 5, 2020 3:19 PM
To: Dan Burroughs <dburroughs@townofdillon.com>; Dan Burroughs <dburroughs@townofdillon.com>
Subject: Letter to the P&Z for tonight's meeting.

I request that this letter be read and added to the record for the Urgent Care and Residences PUD.
V/R,

David Servinsky

5 July 2020

Dear Dillon Planning and Zoning Committee,

This is David E. Servinsky, owner of 724B East Anemone Trail in Dillon. I am writing with several concerns I have regarding the Urgent Care and Residences PUD, Town Processes and Adherence to Town Code. I will make recommendations on how I think you might further improve our Town's processes.

First, let me express my sincere appreciation to the Town Council for listening to public concerns and voting to help keep this PUD in line with the character of Dillon. Adding 27 trees back into the plan was the right thing to do!

My concern now is that the Developer can revert back to the last approved PUD from October 2018. I believe the Town Council and Planning and Zoning Committee were duped by a wolf in sheep's clothing! By using the Urgent Care Center as cover, they have understandably driven many variances past our leadership in a desire to serve public safety. By using the vague language of the Town's PUD policy, I believe they might get away with doing severe damage by infringing on the rights of many existing homeowners and businesses in the nearby vicinity. Let me explain:

- By exploiting vague verbiage in the PUD Code, the Town approved a plan in October of 2018 for this overreaching project. The most egregious misinterpretation of regulations is using a 3.7% larger footprint than the Town Code permits. (Figure obtained from Dan Burroughs.) While a 3.7% larger footprint fits with "generally compliant and substantially compliant", this "allowance" is being exploited vertically too. 3.7% translates to a 967 square foot larger footprint on the ground. Across four floors, that multiplies the overall mass to 3,868 square feet. Many of our

largest homes are smaller than 3,868 square feet! This larger size impacts many other variables that collectively have detrimental impacts on our Town. These include insufficient parking relative to the number of bedrooms being built, impact on snow management, violates the harmonious nature of the neighborhood by shoehorning an obtrusive structure inconsistent with the intent of the neighborhood, impacts view corridors of neighbors, etc. The larger footprint enables a developer to exploit loopholes to add three additional two-bedroom units! (Two-bedroom condos are listed in today's paper for over \$600,000.) This minor "variance" of only 3.7% translates to over \$1,600,000 for one individual at the expense of the rest of the community. The Town's responsibility is to protect the greater good of its citizens, not to enable a greedy developer to get richer!

- Allowing a "minor" change by splitting the lots, without Town Council approval, enable the Developer to push the Residences further up the slope, thereby changing the median height of the Residences and enabling the building to effectively be significantly higher.
- Allowing a larger footprint creates challenges for the Town by further infringing on needed space to maintain sewer lines.
- This Planned Unit Development will create precedents that will impact future construction in our small mountain town beyond the scope of what was initially planned.
- The large building leaves little room for maneuver for repairs and improvements on their own homes and restricts the capacity for residents to gather communally.

Recommendations:

- I believe the Town needs to reevaluate and amend the PUD to include language that protects the rights of those already invested in this community. Every variance needs to be spelled out, no matter how small. Using imprecise terminology, such as "general" or "substantial" compliance is insufficient and creates loopholes that can be exploited undermining the intent of the town.
- Variances need to be examined in the context of their impact on the entire project rather than in isolation.
- Revisit parking codes and change them to reflect the residence being created. While a one-bedroom apartment requires 1.5 parking spaces, how can the Town believe that only half a space more is needed when three more bedrooms are added! Please consider the impact on adjacent properties when working this math. We have a large number of tourists visiting and renting units. It is unreasonable to expect a group renting a four-bedroom condo to arrive in two cars along with luggage and skis!
- Define required open space and use specific definitions of open space with regard to decks. Help keep Dillon green! Do not allow our green space to dissolve by shoehorning obtrusive structures into spaces they were not intended.
- Fix the due process procedures for the Town. The last three meetings

should have been conducted in a way that concerned citizens could have more fully participated. We were unable to follow the discussion because we were denied access to the arguments.

What can be done now? Can the Town Council go back and review its earlier decision and correct it based upon receiving false, misleading or inaccurate information? Is the decision from 2018 really the right one? Is it in the best interests of the community? I believe mistakes were made in the process, or if not in the process, in exploiting what is meant by general compliance! Can anything be done now, within the power of the Town Council or P&Z to protect the rights of our citizens? Or, are we required to look elsewhere to protect our rights?

With regard to the new minor change to this PUD, please consider that the Town Council voted saying that there were already too many changes asked for in this PUD and that they do not wish to see any additional pavement added. Therefore, I trust you will honor their wishes and deny any more changes and pavement.

I believe an opportunity to discuss this matter with you at a future meeting as I'm unable to attend today's scheduled meeting. Thank you for considering this matter.

Very Respectfully,

David E. Servinsky, Ph.D.
Colonel, U.S. Army, (Ret.)
813-503-3804 cell
coloneldave@me.com