

**TOWN OF DILLON
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING
WEDNESDAY, MARCH 3, 2021
5:30 p.m.
VIRTUAL MEETING VIA MICROSOFT TEAMS
CONFERENCE ID: 953 698 369#**

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, March 3, 2021 by electronic participation through the Microsoft Teams application. Chair Alison Johnston, called the meeting to order at 5:33 p.m. Commissioner's present were Bill Engelman, Michael Parsons, and Tom Karpowich. Staff members present were Ned West, Town Planner; Dan Burroughs, Town Engineer; Nicolas Cotton-Baez, Town Attorney; and Michelle Haynes, Recording Secretary.

APPROVAL OF THE MINUTES OF FEBRUARY 3, 2021 REGULAR MEETING

Commissioner Parsons moved to approve the minutes from the February 3, 2021 regular meeting. Commissioner Karpowich seconded the motion, which passed unanimously.

DISCUSSION: PARKING FOR THE SUMMIT HISTORICAL SOCIETY – THE HISTORIC SCHOOL HOUSE MUSEUM

SUMMARY:

Ned West, Town Planner, gave the Commission a background on the current parking situation at the Historical School House Museum and the potential to change it. Ned discussed the fact that the Code does not specifically identify museums in the parking schedule or requirements table. It is up to the Planning Commission to decide if they feel applying the same parking requirement for Offices and Medical Clinics would be appropriate for a Museum. It is their role to make such a determination when the Code language does not specify a particular use.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Bill Engelman moved to approve the required parking for a museum to be the same as the required parking for an office or medical clinic and adding this it to a future Code amendment. Said motion means that in the meantime this parking rate of one parking space per four hundred (400) gross building square feet will be used as the required parking rate for museums. Tom Karpowich seconded the motion, which passed unanimously.

DISCUSSION: 3-MILE PLAN AND THE US FOREST SERVICE ADMINISTRATION SITE ON COUNTY ROAD 51

SUMMARY:

The Three-Mile plan is to address the specific statutory requirements of Colorado Revised Statutes (C.R.S.) § 31-12-105, which requires that a municipality adopt an annexation plan prior to the annexation of any land into the municipality, and that it provide direction to the municipality and land owners concerning land use issues and infrastructure improvements needed upon annexation into the Town of

Dillon. The statutes stipulate that the Three-Mile Plan be reviewed annually, and it was last affirmed by the Dillon Town Council in February 2020.

Ned West informed the Commission that included in the 3-Mile Plan are references to the U.S. Forest Service Administration Site on County Road 51 as potential land to annex into the Town of Dillon for workforce housing. The Town is actively working with the County and, a Land Use Consultant to develop conceptual land use plans for the parcel to include for rent workforce housing. The concept has been introduced to Denver Water and the Town has also shared the 3-Mile Plan with them. Several properties under their ownership are also identified in the 3-Mile Plan. The Town has asked Denver Water for feedback on potential long-range land use plans for their property holdings in the near vicinity of the U.S. Forest Service Admin. Site. This is primarily due to the concurrent Highway 6 and Evergreen intersection design work also being developed. Land use planning for the workforce housing site is moving right along; the Commission will be updated as things progress. The Town is currently delaying any amendments to the 3-Mile Plan until feedback is received from Denver Water, get more information on the workforce housing concept, and additional information on the intersection design is received.

COMMISSIONER QUESTIONS:

No Commissioner questions.

DISCUSSION: DUPLEX ACCESSORY APARTMENTS

SUMMARY:

The Planning Commission is tasked with reviewing the subject of duplex accessory apartments and providing their recommendation to the Town Council. If the Commission feels Code amendments are warranted after this review, Town staff, depending on the direction from the Town Council, will bring forth a Code amendment at a future Planning Commission meeting.

There's uncertainty in the Dillon Municipal Code ("Code") as to whether accessory apartments may be allowed in duplexes. Section 16-4-40 (the relevant provision) may be interpreted to allow accessory apartments (meeting the Code definition) only in "single family dwellings"; i.e., "a residential structure containing one (1) single, detached dwelling unit on one (1) parcel of land." However, the Section may also be interpreted to allow an accessory apartment in each dwelling unit of a duplex; i.e., "a residential structure ... containing two (2) attached dwelling units, which may be located on one (1) parcel of land or two (2) parcels of land." The ambiguity giving rise to the differing interpretations requires a review of the subject to determine potential Code amendments to clarify if duplex accessory apartments should be allowed in the Town.

The relevant Code section requires the payment of water and sewer tap fees (EQR's), the recording of a restrictive covenant stating the unit will not be subdivided into a separate ownership unit from the primary unit, the recording of a deed restricted against utilization as a short-term rental, which means it may not be rented for periods of time of less than six (6) months, and several other provisions regarding size, parking, and compatibility of the unit's design with the neighborhood and principal structure. Please see the attached excerpt from the Dillon Municipal Code containing the Code Section related to Accessory Apartments.

Town Staff contacted the Summit County Building Inspection Department on the subject:

- The International Residential Code (adopted through the Town's adoption of the Summit County Building Code), which governs duplex residential structures, allows for accessory apartments in each

dwelling unit of a duplex. There are Code requirements for sound proofing, fire protection, and life-safety.

- Retrofitting an accessory apartment installed without permits for Building Code compliance can be extremely complex and costly.
- The Summit County Land Development Code does not allow accessory apartments in duplexes.

Perceived Pros of allowing accessory apartments in accessory apartments:

- The typical housing model and typical household is changing across the country with shared economies, diverse needs, workforce housing shortages, and a shift away from home ownership by younger generations.
- Summit County's workforce housing need is substantial and is heavily impacted by the short-term rental market. Allowing accessory apartments in duplexes could increase the Town's long-term rental inventory and may help in addressing the workforce housing need.
- Allowing accessory apartments in duplexes would set forth a process for illegal accessory apartments to be brought into compliance with the Zoning Code.
- The duplexes in Corinthian Hill are generally of relatively large size (see attached table) and most properties provide substantial paved parking areas. o A mixture of housing types is encouraged in the Residential Medium zone district.

Perceived Cons of allowing accessory apartments in accessory apartments:

- Allowing accessory apartments in duplexes could (and likely would) result in four dwelling units in a residential structure, in some cases (depending on size and configuration) likening the structure to a fourplex.

Additional Considerations:

- Duplexes are only located in Dillon's Residential Medium (RM) zone district and are only found in the Corinthian Hill Subdivision (see the attached map for the duplex properties in the subdivision); though, per the Zoning Code, duplexes could be located in the Residential High (RH) zone district.
- This discussion is limited to the allowance of accessory apartments in duplexes. Town staff does not recommend allowing accessory apartments in multi-family residential structures (greater than 2 dwelling units). The discussion of how to address illegal "split-unit" apartments in multi-family residential structures will be added to an agenda for a future work session.
- Town staff has reached out to the Corinthian Hill Property Owners Association for their input on the matter, but we have not received comments yet.

COMMISSIONER QUESTIONS:

Commissioners asked Staff about sizing restrictions and if there would be entrance requirements. Dan Burroughs and Ned West explained that there is a max of 900 sq ft for an accessory apartment and no minimum size. There would need to be requirements made for the entrance of the accessory due to fire safety, the unit would most likely need its own address as well. They also discussed the permitting process and parking issues. Ned West explained the current parking requirements and indicated that Garages are

included in these numbers. The permitting process will need some Code language added to ensure sound proofing and fire proofing.

DISCUSSION: MULTI-FAMILY PARKING REQUIREMENTS

SUMMARY:

The Town of Dillon currently faces significant parking issues associated with multi-family residential developments. Even projects designed to the current parking requirements may exhibit high occupancy in parking lots in the evenings. For instance, the Dillon Ridge Apartments, a project developed under the existing Code requirements, exhibits high occupancy parking facilities (surface parking lots) in the evenings. Some residential developments, such as many of the condominium buildings along La Bonte Street, are so deficient in parking that residents are forced to park in the Town owned Core Area rotating parking lots. These lots rotate every day, so vehicles cannot remain parked more than one night, thus requiring relocation every day.

The Town engaged Walker Consultants to perform a Parking Study (“Study”) to evaluate strategies for improving the Town’s parking situation, to advise on potential remedies and potential funding sources, and to suggest potential code amendments that may be warranted to address the issue. The Study is attached. Although the Study, in part, was to evaluate future Town parking facilities, such as parking structures, the Town Council has determined such projects are currently cost prohibitive with projected costs of as much as \$42,000 per parking space.

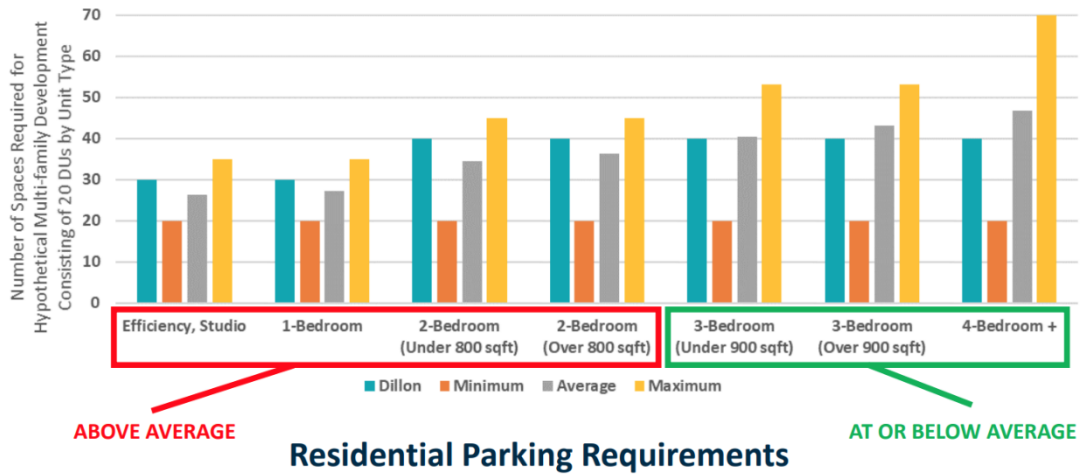
The Dillon Municipal Code provides the following required parking schedule for multi-family residential parking.

Multi-family Residential and Hotels	Required Spaces
Efficiency, studio, 1-bedroom	1.5 spaces/unit
2-bedroom or greater	2 spaces/unit
Lodging, hotel, motel, bed & breakfast	1 space/bedroom

Table 1. Current Multi-family Parking Requirements

The Walker Consultants Parking study compared Dillon with six (6) peer cities to evaluate how the Town’s multi-family parking compares. They found that, in many cases, Dillon’s parking requirements fall short of peer city requirements. The cities evaluated in the comparison were: Aspen, Basalt, Carbondale, Crested Butte, Estes Park and Vail. The results for the multi-family parking requirement, shown below indicates that the Town does not follow some municipalities who require more than two (2) parking spaces for three and four-bedroom dwellings.

PARKING POLICIES AND PRACTICES HOW PEER CITIES COMPARE



WALKER CONSULTANTS

Figure 1. Walker Consultants Peer City Comparison for Multi-family Parking

In the past, some multi-family residential developments did not provide more than one parking space for even three-bedroom units. With changing habits and increasing uses due to short-term rentals, the parking demand is ever increasing and some of these developments are grossly under-parked. Although the current rotating parking lots in the Town’s Core Area zone provide overflow parking for those existing developments in near proximity which are parking deficient, it is not sustainable. This configuration is a financial burden to the Town due to maintenance and management costs, remedies to which the Town Council is currently exploring based on the Study recommendations.

To avoid continuing to allow under-parked developments, the Study findings indicate the Town should consider amending the Code to require *new* multi-family projects provide one (1) parking space per bedroom, aligning with some peer communities. To address this finding, as well as acknowledging the ever-increasing parking demand due to the shared economy of short-term rentals, Town staff suggests the Planning Commission evaluate the following potential parking requirement schedule:

Multi-family Residential and Hotels	Required Spaces
Efficiency, studio, 1-bedroom*	1 space/unit
2-bedroom*	2 spaces/unit
3-bedroom*	3 spaces/unit
4-bedroom*	4 spaces/unit
*Provision for Guest Parking	10% of Total
Lodging, hotel, motel, bed & breakfast	1 space/bedroom

Table 2. Peer Oriented Multi-family Parking Requirements

Should the Planning Commission feel in is in the best interest and welfare of the community, Town staff will prepare a resolution for the Commission to make a recommendation to the Town council to accordingly amend the Code. Such a resolution would be brought forth at a future Planning Commission meeting.

COMMISSIONER QUESTIONS:

Commissioners asked Staff about parking requirements by age of person occupying a bedroom. Should they be responsible for a parking space for a children’s room? Ned explained that yes this is necessary because we cannot monitor those living in a multi-family unit that are of age to drive and it would create extra parking if that was the case. The Commission discussed the great benefits of this, and all agreed that there is a need for more parking. New Code language will be developed and brought back to the Commission at a future date, based upon direction from the Town Council.

PUBLIC COMMENTS:

Jake Hertz, 149 Forest Canyon Road, was present for Public Comment. He expressed his concerns about the whole U.S. Forest Service Admin. Site workforce housing project in general. He is concerned about the density, traffic, destruction of the neighborhood’s view, building height, and public notification.

Staff took time to address Mr. Hertz’s concerns. Ned West briefly spoke about the concept plan and efforts being made. This project has been in discussion for the over 10 years with no substantial movement and is still in the early planning phase. Dan Burroughs backed up what Ned had to say. Dan gave a brief explanation of the beginning stages of the design and the lengthy process ahead.

PLANNING COMMISSION LEGAL TRAINING – NICK COTTON-BAEZ, KELLY PC, TOWN ATTORNEY

The Town Attorney, Nick Cotton-Baez gave detailed Legal Training to all the Commissioner and Staff present at the meeting.

PROJECT UPDATES:

- Dillon Medical Center. Working to open at the end of summer.
- Homewood Suites: Shooting to open in July. Working on the interior, restaurant, and pool.
- W. Anemone Trail - Dillon Urgent Care project: On hold - Spring.
- Uptown 240: On hold – Spring.
- Sail lofts II: Finished.
- Panera Bread: Moving right along, working on site improvements.
- Multi-use Lake Trail up and in use.

OTHER BUSINESS:

No other business was discussed.

ADJOURNMENT

There being no further business, Alison Johnston adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Michelle Haynes

Michelle Haynes
Secretary to the Commission