

**TOWN OF DILLON
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING
WEDNESDAY, APRIL 7, 2021
5:30 p.m.
VIRTUAL MEETING VIA MICROSOFT TEAMS
CONFERENCE ID: 193 467 413#**

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, April 7, 2021 by electronic participation through the Microsoft Teams application. Chair Alison Johnston, called the meeting to order at 5:30 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; Scott O' Brien, Public Works Director; Nicolas Cotton-Baez, Town Attorney; and Michelle Haynes, Recording Secretary.

APPROVAL OF THE MINUTES OF MARCH 3, 2021 REGULAR MEETING

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

CONSIDERATION OF RESOLUTION PZ 03-21, SERIES OF 2021

A RESOLUTION APPROVING A LEVEL III DEVELOPMENT APPLICATION AND CONDITIONAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 160 TENDERFOOT 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 Alison Johnston opened the hearing at 5:40 p.m.

SUMMARY:

The Town received a Level III Development Permit Application for an Accessory Dwelling Unit and Conditional Use Permit for 160 Tenderfoot Street. The Accessory Dwelling Unit is located in the lower level of the single-family residence. An Accessory Dwelling Unit (ADU) application requires a Public Hearing and approval by the Planning and Zoning Commission.

The applicant, Greg Dietl gave a brief history of himself and the property in discussion.

Town Planner, Ned West presented the staff summary. The Applicant submitted plans for a residential remodel to convert a portion of the basement level of the home for an ADU. Included in the remodel is the installation of an exterior stair to access the ADU and an egress window.

REVIEW PROCESS & PUBLIC HEARING NOTICE:

The Town posted a sign of the Public Hearing on the site on Wednesday, March 31, 2021. A newspaper legal notice ran in the Summit Daily (Journal) on Friday, March 26th, 2021, and a mailing noticing the public hearing time and date was sent out on Friday, March 26th, 2021 to property owners within 300 feet of the

site. The notices were made within the required 7-day minimum, and 14-day maximum notice period required by the Dillon Municipal Code (the “Code”).

PUBLIC COMMENTS:

There were no public comments.

COMMISSIONER QUESTIONS:

The Commissioners asked a few questions regarding this application. Commissioner Tom Karpowich questioned the location of the parking provided for the unit. Ned West informed him the parking provided will be off street, private parking. Alison Johnston established with staff the accessory unit would only be one bedroom. Commissioner Engelman asked about the Egress Window, Ned informed him the Summit County Building Inspection Department oversees those regulations. The County will be responsible to inspect and approve all requirements.

PUBLIC HEARING CLOSED:

Chair Teresa England closed the public hearing at 5:55 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Bill Engelman moved to approve Resolution No. PZ 03-21 Series of 2021. Commissioner Tom Karpowich seconded the motion, which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 02-21, SERIES OF 2021

A RESOLUTION RECOMMENDING AN AMENDMENT TO CHAPTER 16 OF THE DILLON MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS

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

SUMMARY:

Ned West; Town Planner, presented the staff summary.

- Town staff has reviewed the Dillon Municipal Code (“Code”) regarding Accessory Dwelling Units in an effort to develop an amendment to provide for accessory dwelling units in each primary unit of a duplex as was the desire of the Town Council and the Planning Commission.
- During this review the Town staff found that the Code currently references both Accessory Apartments and Accessory Dwelling Units to have the same meaning. To clarify the Code and to provide language consistent with the term most commonly used, staff will refer to them as Accessory Dwelling Units (“ADUs”) and has provided Code amendment language along those lines.
- ADUs will remain limited to the Residential Low Density (RL) Zone district and the Residential Medium Density (RM) Zone district, and the proposed Code amendment makes STAFF REPORT: Planning Commission 04-07-2021 –Accessory Dwelling Units Page 2 that clearer. Town staff does not recommend allowing ADUs in multi-family residential structures (greater than 2 dwelling units) or townhouses.

- Also while reviewing the Code in relation to ADUs, along with considering housing trends in society in general, and in acknowledgement of the significant challenges facing many communities in meeting the deficit of workforce housing, staff has developed a concept of allowing ADUs as detached accessory structures; i.e., not only in garages, but in structures designed for a dwelling purpose and constructed on a permanent foundation.
- Detached ADUs would carry with them the same requirements of a more traditional ADU. However, approval of detached ADUs would require conformance to additional criteria such as a maximum area limit of six hundred (600) square feet and increased lot line setbacks of not less than thirty (30) feet. Maximum lot coverage criteria found in the zone districts will still apply.
- All ADU approvals would still require: o the payment of water and sewer tap fees (EQR's); o the recording of a restrictive covenant stating the unit will not be subdivided into a separate ownership unit from the primary unit; o 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: o meeting several other requirements regarding size, parking, and compatibility of the unit's design with the neighborhood and principal structure.

REVIEW PROCESS & PUBLIC HEARING NOTICE:

A newspaper legal notice ran in the Summit Daily (Journal) on Friday, March 26th, 2021 meeting the notice period required by the Dillon Municipal Code (the "Code").

PUBLIC COMMENTS:

There were no public comments.

COMMISSIONER QUESTIONS:

The Commissioners asked a good number of questions regarding this amendment. Commissioner Tom Karpowich asked what the current number of ADU's in Dillon is right now and what it could potentially be. Ned West informed him there are currently 20-30 units and could allow up to 50 or so. Commissioner Engelman asked questions about set back issues and the number of Cottages allowed per lot. Ned informed him the set back issues would need to be addressed case by case, only one Cottage would be allowed per lot. Chair Alison Johnston asked if there are any other high-density areas in Dillon, Ned informed her the area around the lake is a High-Density Zone District. Michael Parsons asked for clarification on a Level II and a Level III Application. After Ned gave an explanation on the two, Parsons expressed the thought of keeping this a Level III process to prevent an inflation of units. The Town Planner explained some the pros and cons of this and stated that the Code provides specific criteria for the staff level review of an accessory dwelling unit that there is no need to burden the Planning Commission with reviewing such applications. The typical Conditional Use criteria in the Code do not typically have any influence on the review and approval of an accessory dwelling unit, and the Planning Commission typically has no cause to deny an application so long as it meets the various Code requirements. Commissioner Parsons said that makes more sense to him and agreed with the Level II review. The commission also asked for more details on how the HOAs will fit into this process.

PUBLIC HEARING CLOSED:

Alison Johnston England closed the public hearing at 6:28 p.m.

RECORD OF PLANNING COMMISSION ACTION:

Commissioner Tom Karpowich moved to approve Resolution No. PZ 02-21 Series of 2021. Commissioner Michael Parsons seconded the motion, which passed unanimously.

DISCUSSION: ZONE DISTRICT CLASSIFICATIONS

SUMMARY:

Nicolas Cotton-Baez, Town Attorney and Ned West, Town Planner presented a summary on Zone District Classifications.

Town staff has been working with an outside planning consultant and the Town Attorney (for brevity, the “Town staff”) to update various sections of the Dillon Land Development Code (“Zoning Code”), which is set forth in Chapter 16 of the Dillon Municipal Code.

In 2020, the Town Council adopted amendments to the general and procedural provisions set forth in Articles I and II the Zoning Code after review and recommendation by the Planning Commission. The Town staff has now prepared a draft update to the Zoning District Use Schedule and the Zone District Purpose Statements set forth in Article III of the Zoning Code, and seeks the Planning Commission’s input on the land uses proposed as permitted and conditional uses in the various zone districts of the Town.

The Town staff is particularly interested in whether the Commissioners agree with the permitted and conditional uses proposed for each zone district, and whether the Commissioners believe the permitted and conditional uses align with the Comprehensive Plan and the Zone District Purpose Statements.

For purposes of the Planning Commission’s review, attached to this staff summary are the following documents:

1. 2013 Zoning Map
2. Zone District Purpose Statements
3. Draft Zoning District Use Schedule

Also discussed was the Town of Dillon Comprehensive Plan. The Comprehensive Plan is a guidance document, meaning it’s not binding on the Town. However, should also be reviewed because the Zoning Code is intended to carry out the purposes of the Comprehensive Plan.

Additionally, the Zone District Purpose Statements are also intended to carry out the purposes of the Comprehensive Plan. The Planning Commission may recommend amendments to the Zone District Purpose Statement Discussion Item, as well, particularly if Commissioners find that they do not align with the Comprehensive Plan.

Finally, the Zoning Map is in need of some updates; however, it’s included to give Commissioners a sense of how properties are zoned within the Town.

The Town staff requests that the Planning Commission be prepared to comment on matters related to the Zoning District Use Schedule at the Planning Commission’s next regular meeting on May 5, 2021.

The Commission asked a few basic questions about the presented packet material and how to interpret it.

PROJECT UPDATES:

- Dillon Medical Center. Working to open at the end of summer.

- Homewood Suites: Plan 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.
- Panera Bread: Moving right along, working on site improvements.

OTHER BUSINESS:

No other business was discussed.

ADJOURNMENT

There being no further business, Alison Johnston adjourned the meeting at 7:02 p.m.

Respectfully submitted,

Michelle Haynes

Michelle Haynes
Secretary to the Commission