

STAFF SUMMARY

MAY 5TH, 2021 PLANNING & ZONING COMMISSION REGULAR MEETING – DISCUSSION ITEM

DATE: April 30, 2021

AGENDA ITEM NUMBER: 5

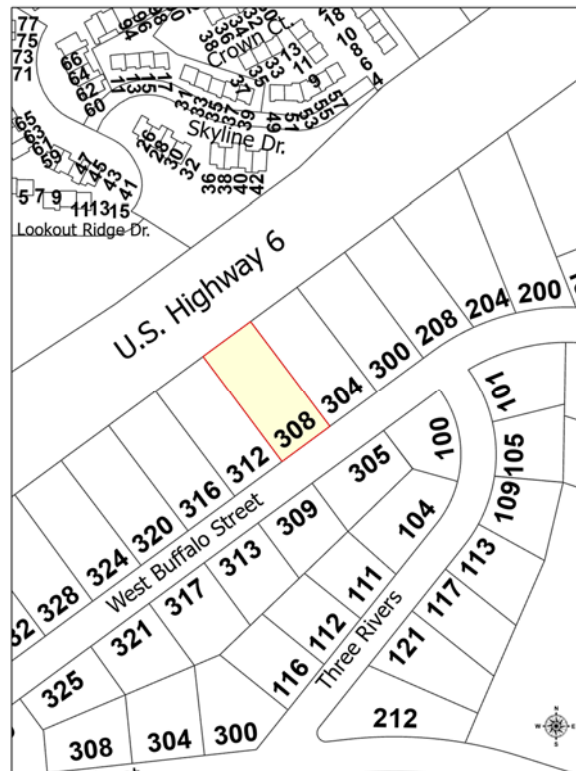
ACTION TO BE CONSIDERED: Consideration of Resolution No. PZ 04-21, Series of 2021:

(PUBLIC HEARING)

A RESOLUTION APPROVING A LEVEL III DEVELOPMENT APPLICATION AND CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT AT 308 BUFFALO STREET

SUMMARY:

The Town received a Level III Development Permit Application and Conditional Use Permit for an Accessory Dwelling Unit at 308 W. Buffalo 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.



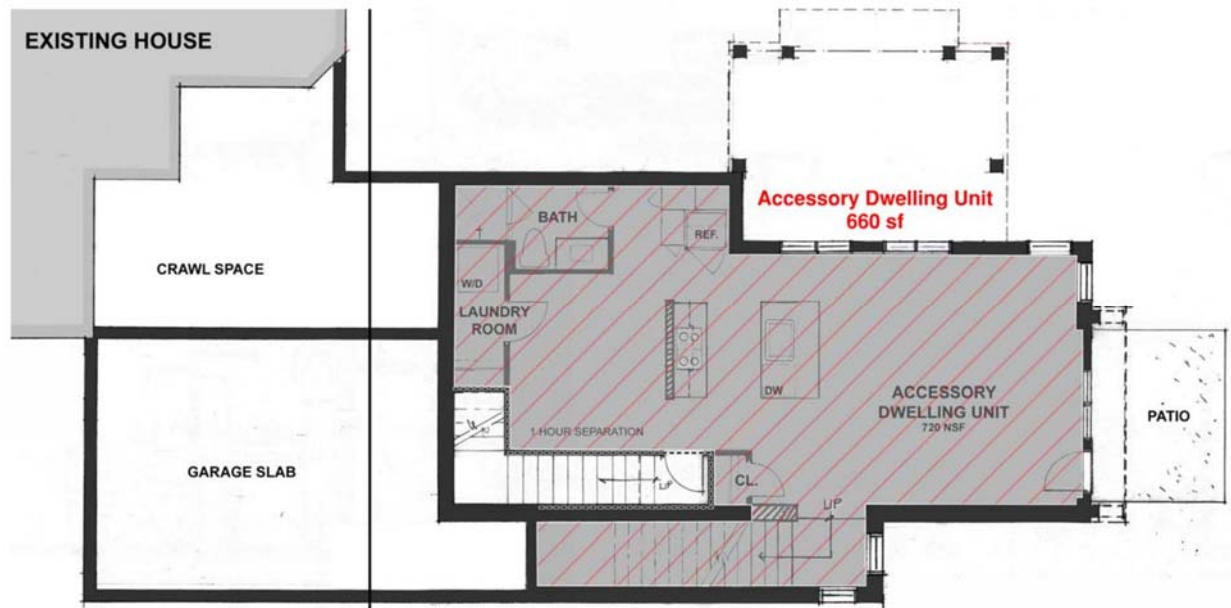
Vicinity Map for 308 W. Buffalo Street, Dillon

Public Notice:

The Town posted a sign of the Public Hearing on the site on Wednesday, April 28, 2021. A newspaper legal notice ran in the Summit Daily (Journal) on Friday, April 23rd 2021, and a mailing noticing the public hearing time and date was sent out on Friday, April 23rd, 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”).

Applicant: Blair and Christie Miller

Existing Condition: The Applicant submitted plans for a residential addition, a Level II Development, which was approved by the Town of Dillon Development Review Committee on April 27th. A condition of approval is that the Applicant obtain a Level III Development Permit for the Accessory Dwelling Unit in the lower level of the addition. Without the Accessory Dwelling Unit approval, the Applicant will not be permitted to construct the proposed kitchen in the lower level of the addition. The entire plan set is attached to this staff summary as **Exhibit ‘A’**.



Dwelling Unit Configuration and Area Evaluation

CODE ANALYSIS:

Zoning District: The Application is located in the Residential Low Zone. An Accessory Dwelling Unit is permitted in the zone district; however, the Dillon Municipal Code (Code), currently requires a Level III Development Permit review process and Public Hearing for an Accessory Dwelling Unit. The Code provides criteria for review and approval of an Accessory Dwelling Unit, and the Town also applies Conditional Use Permit review criteria to Accessory Dwelling Units to fully consider potential impacts of the additional use on a property.

Accessory Dwelling Unit review criteria:

A Accessory Dwelling Unit may be permitted in the RE, RL, RM and RH zones in a single-family residence, subject to the following provisions:

1. The Planning and Zoning Commission shall review and approve, under the Level III process, a site plan showing the location of the Unit.

The applicant has applied for a Level III Development Permit for the proposed project. The application includes a site plan indicating the proposed location of the studio, 1-bathroom Accessory Dwelling Unit in the basement level of the residence.

2. The property owner shall pay all required water and sewer tap fees.

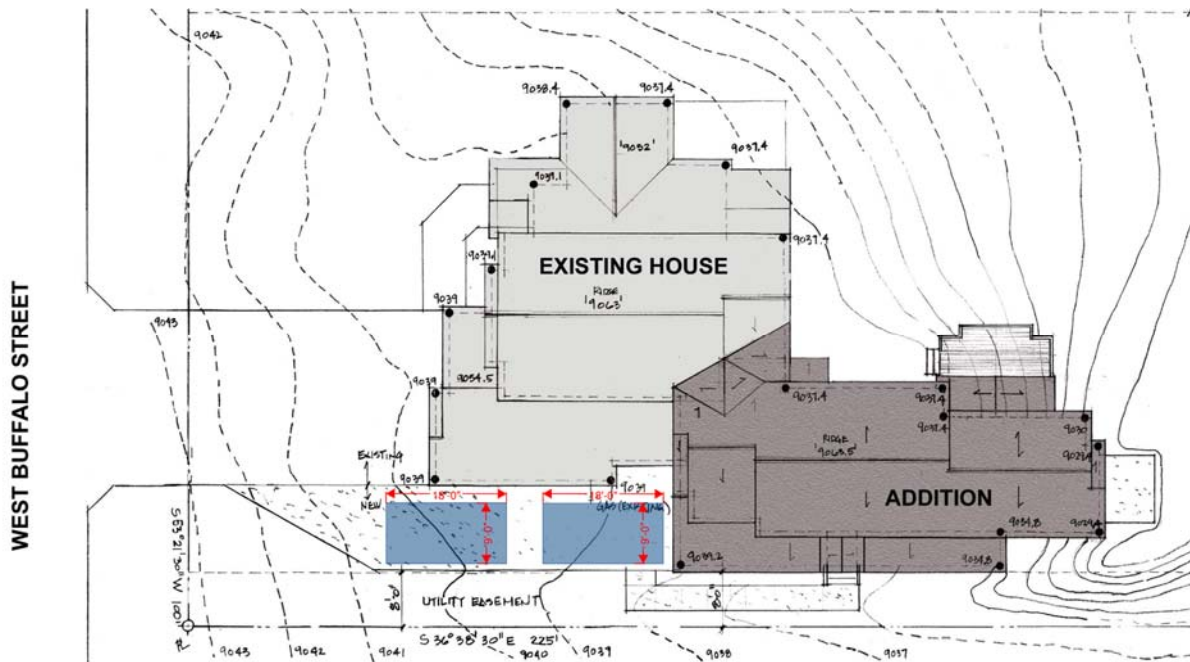
The property acknowledges that the water and sewer tap fees must be paid prior to the issuance of the building permit for the project.

3. The Unit shall meet all building code requirements.

Once approved by the Town, the plans will be submitted to the Summit County Building Inspection Department for their review, approval, Building Permit issuance, and inspections.

4. Two (2) parking spaces shall be provided per Unit, and such parking area shall be landscaped to buffer parking from neighboring properties.

Two parking spaces for the Accessory Dwelling Unit are provided as part of the application as shown on the site plan. The parcel is currently landscaped, and a condition of approval is that additional landscaping be provided to screen the additional parking spaces on site to buffer them from the adjoining property.



Site Plan Showing the Two ADU Parking Spaces

5. The habitable portion of the Accessory Dwelling Unit is not greater than nine hundred (900) square feet in size, nor is it more than one-third ($\frac{1}{3}$) the size of the heated living area of the primary residential unit.

The habitable portion of the Accessory Dwelling Unit is approximately 660 square feet and the existing residence is approximately 2,141 square feet, along with an approximately 3,100 square foot addition. This sub-section is satisfied with the application.

6. A restrictive covenant is filed stating the unit will not be subdivided into a separate ownership unit from the primary unit.

The property owner shall execute the restrictive covenant to not subdivide into separate ownership and must record said restrictive covenant as a condition of approval of this Resolution.

7. The unit is 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.

The property owner shall execute the deed restriction preventing the short-term rental of the property and must record said deed restriction as a condition of approval of this Resolution.

8. The unit design is compatible with the neighborhood and the principal structure.

The unit design is compatible with the neighborhood and principal structure.

9. The unit may be a separate building from the primary structure, when placed above a freestanding garage, or on lots greater than one (1) acre.

The Accessory Dwelling Unit is in the basement level of the residence; therefore, this sub-section criterion is met.

Conditional Use Permit review criteria:

1. The use is listed as an allowed conditional use within the zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the Comprehensive Plan and applicable zoning district.

The site is zoned Residential Low (RL), an Accessory Dwelling Unit is allowed in the Residential Low (RL) zoning district so long as certain provisions of the Dillon Municipal Code are met. The Accessory Dwelling Unit is consistent with the existing residential uses in this developed neighborhood, and Accessory Dwelling Units exist in nearby properties.

2. The parcel is suitable for the proposed conditional use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.

The proposed Accessory Dwelling Unit is on the basement level of the residence. The size, shape, location, topography,

soils, slope stability, drainage, and natural features are not anticipated to be affected by the proposed Accessory Dwelling Unit.

3. The proposed conditional use will not have significant adverse impacts on the air or water quality of the community.

The existing site is developed with appropriate drainage and vegetation. No potential air quality concerns with the proposed Accessory Dwelling Unit use on this property are identified.

4. The proposed conditional use will not substantially limit, impair or preclude the use of surrounding properties for the uses permitted in the applicable zoning district.

The existing developed site is adjacent to existing residences. The proposed Accessory Dwelling Unit in the basement level of the residence will not substantially limit or impair the existing uses on the surrounding properties. The site provides adequate parking as required by the Code for the ADU.

5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the conditional use.

The existing site is already served by gas, electric, water, and sanitary sewer facilities. The residence has already been assessed additional water and sewer tap fees.

MOTION FOR APPROVAL:

I move we approve Resolution PZ 04-21, Series of 2021 with conditions as presented.

ACTION REQUESTED: Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

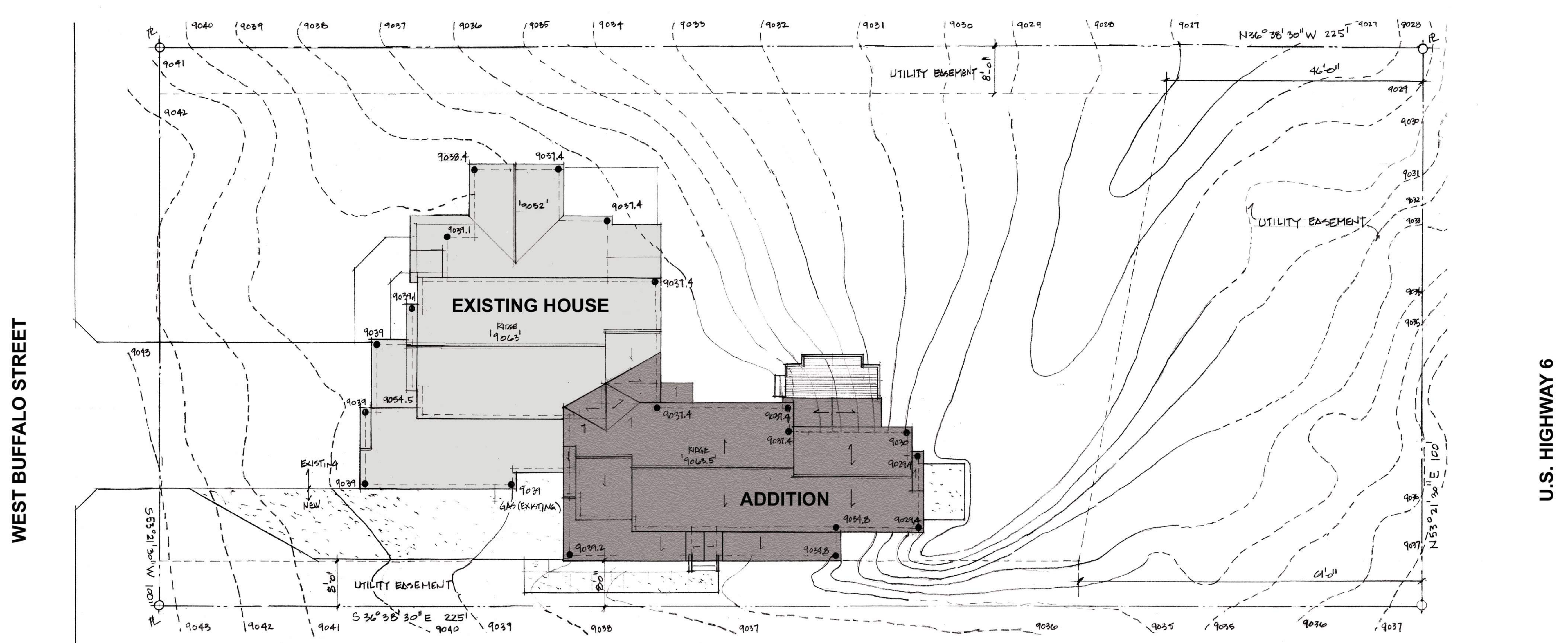
STAFF MEMBER RESPONSIBLE: Scott O'Brien, Public Works Director

EXHIBIT 'A'

**308 W. Buffalo Street
Plan Set
Addition with Accessory Dwelling Unit**

SHEET INDEX

- S-1 SITE PLAN
- A-1 MAIN LEVEL FLOOR PLAN
- A-2 UPPER LEVEL FLOOR PLAN
- A-3 LOWER LEVEL FLOOR PLAN, ELEVATION AND SECTION
- A-4 ELEVATIONS



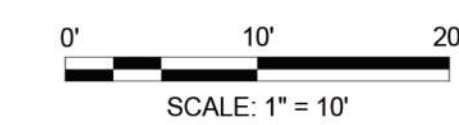
LEGAL DESCRIPTION

- LOT 8 BLOCK "B"
- TOWN OF DILLON
- 308 WEST BUFFALO STREET
- SUMMIT COUNTY, COLORADO

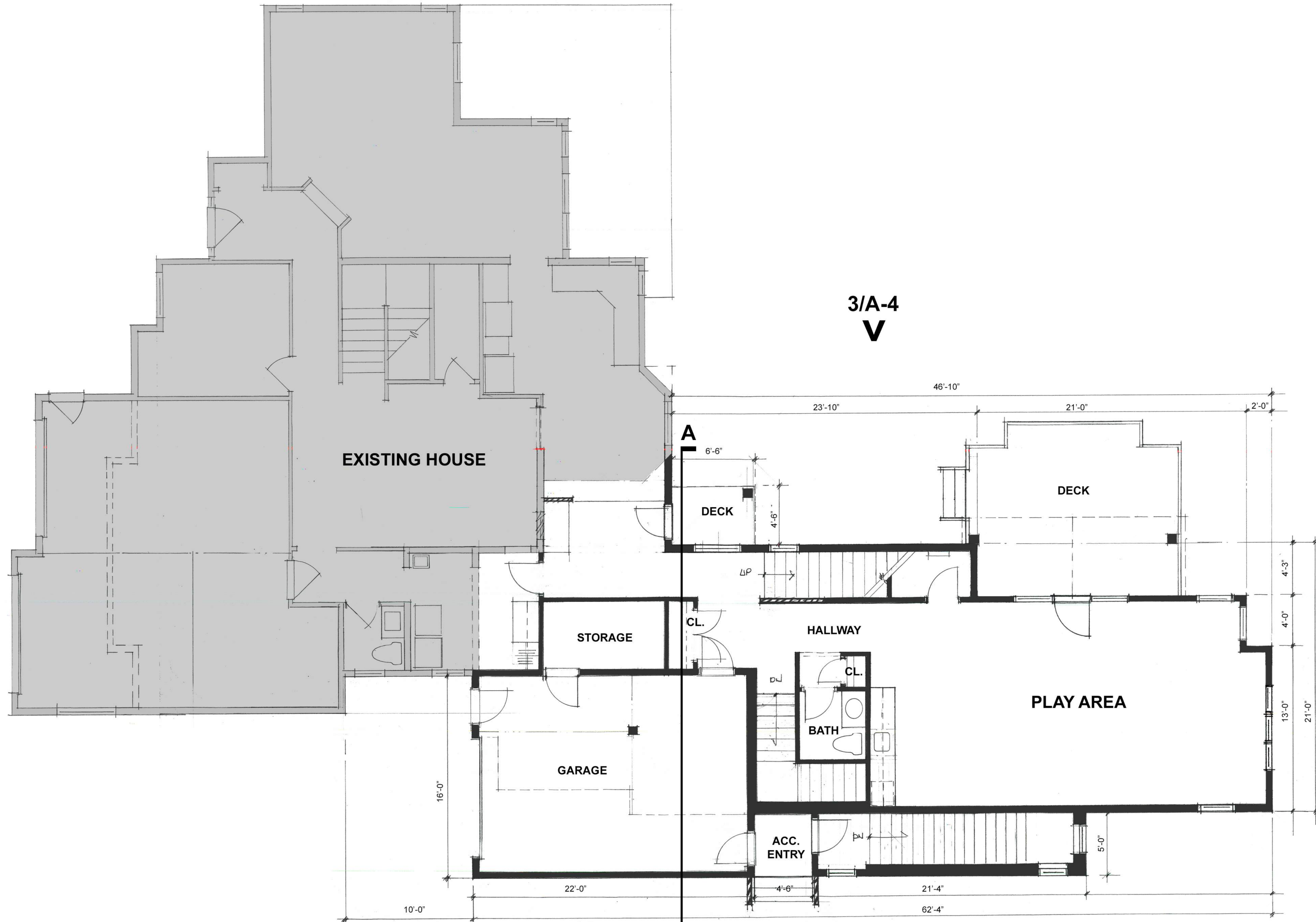
1 SITE PLAN

SITE PLAN LEGEND

- NEW ROOF / COMPOSITE SHINGLE ROOF
- EXISTING ROOF / HOUSE



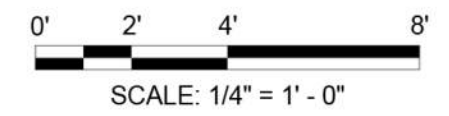
<p>SITE PLAN</p> <p>MILLER RESIDENCE ACCESSORY DWELLING UNIT / ADDITION 308 WEST BUFFALO STREET - LOT 8 BLOCK "B" DILLON, COLORADO 80435</p>	<p>PROJECT NO. 001</p> <p>DATE 2021.04.19</p> <p>SHEET NO. S-1</p>
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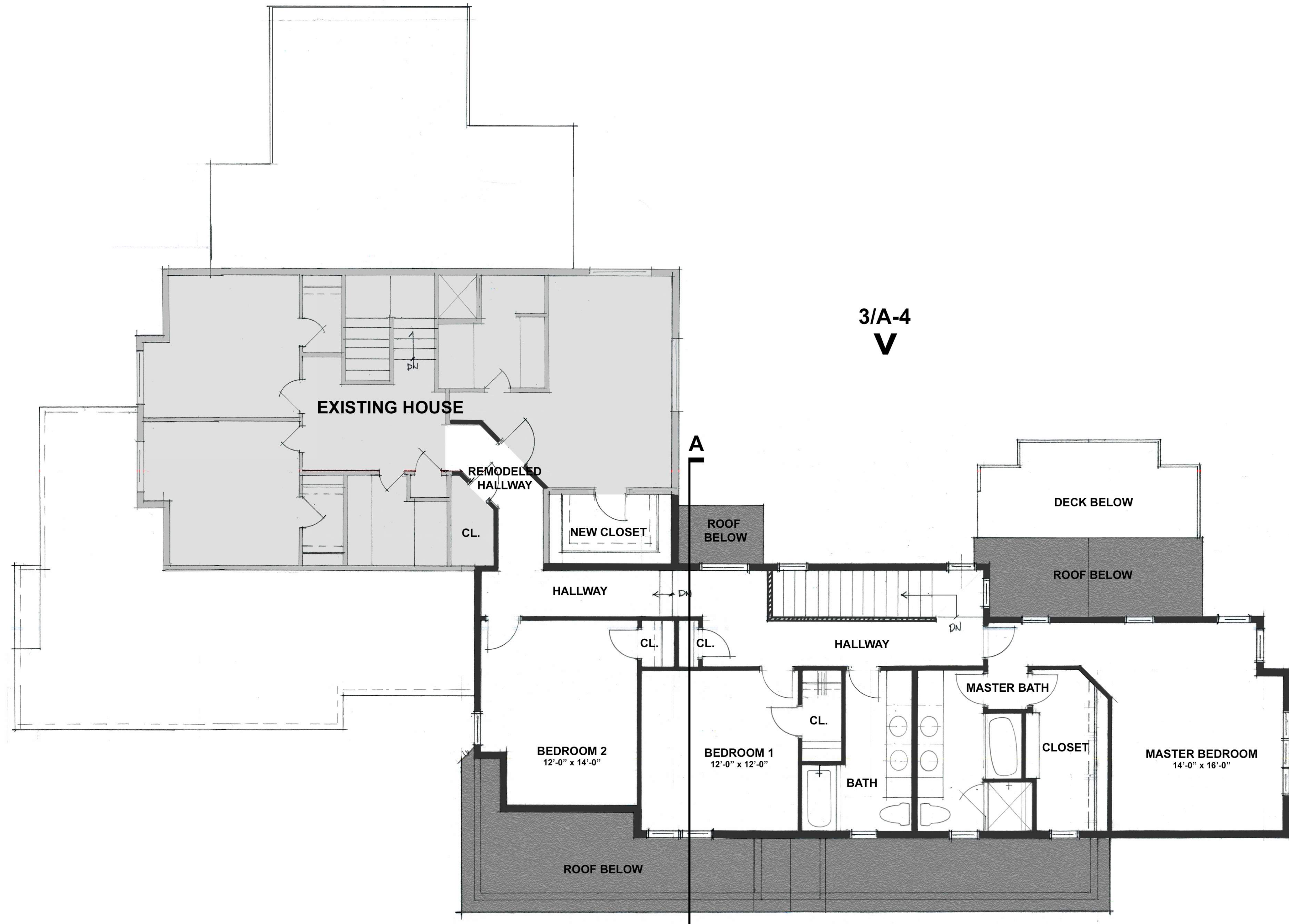
1 MAIN LEVEL FLOOR PLAN

FLOOR PLAN LEGEND

- NEW WALLS
- EXISTING WALLS
- EXISTING HOUSE
- NEW ACCESSORY DWELLING UNIT
- 1 HOUR RATED WALL



MAIN LEVEL FLOOR PLAN		PROJECT NO. 001
MILLER RESIDENCE ACCESSORY DWELLING UNIT / ADDITION 308 WEST BUFFALO STREET - LOT 8 BLOCK "B" DILLON, COLORADO 80435		DATE 2021.04.19
		SHEET NO. A-1



1 UPPER LEVEL FLOOR PLAN

FLOOR PLAN LEGEND

- NEW WALLS
- EXISTING WALLS
- EXISTING HOUSE
- NEW ACCESSORY DWELLING UNIT
- 1 HOUR RATED WALL
- NEW ROOF /COMPOSITE SHINGLE ROOF


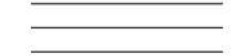




UPPER FLOOR PLAN
 MILLER RESIDENCE
 ACCESSORY DWELLING UNIT / ADDITION
 308 WEST BUFFALO STREET - LOT 8 BLOCK "B"
 DILLON, COLORADO 80435

PROJECT NO.
001
 DATE
2021.04.19
 SHEET NO.

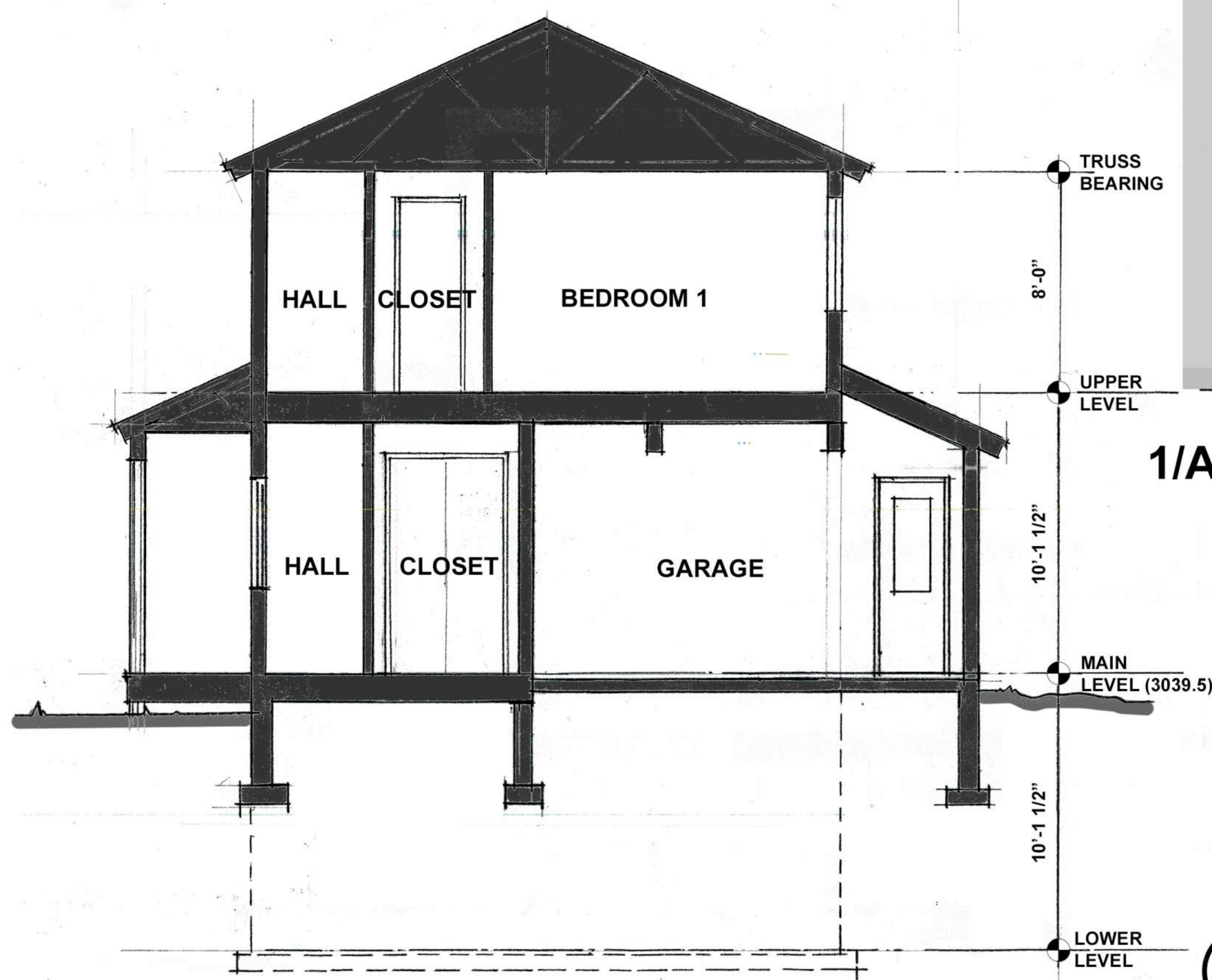
A-2

ELEVATION LEGEND

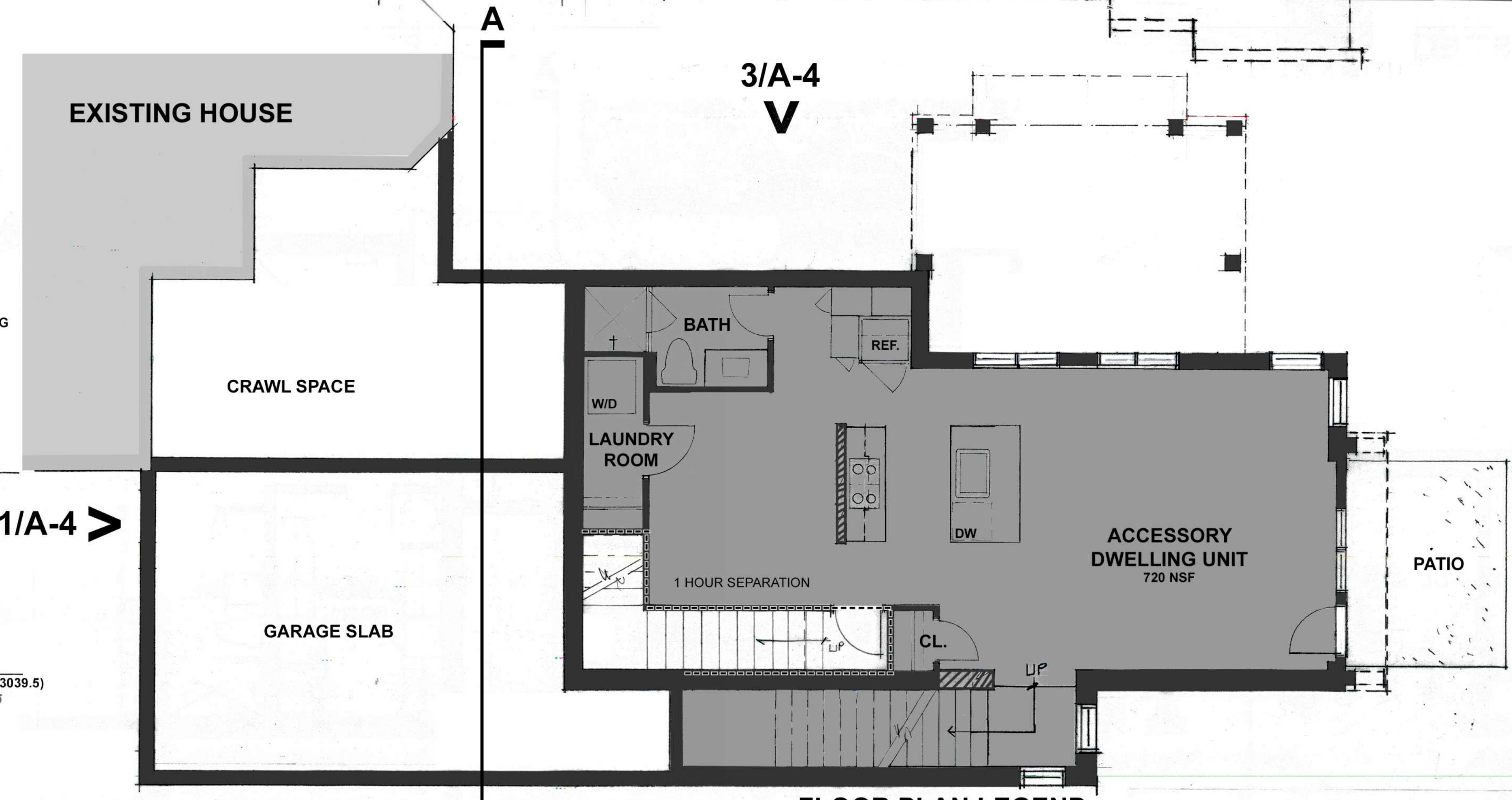
-  COMPOSITE SHINGLE ROOF
-  1"X6" BEVEL SIDING
-  8" ROUND PEELER POLE
-  EXISTING HOUSE



3 EAST ELEVATION








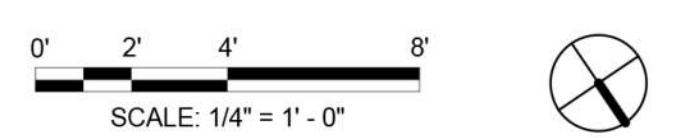
2 SECTION A-A



1 LOWER LEVEL FLOOR PLAN

FLOOR PLAN LEGEND

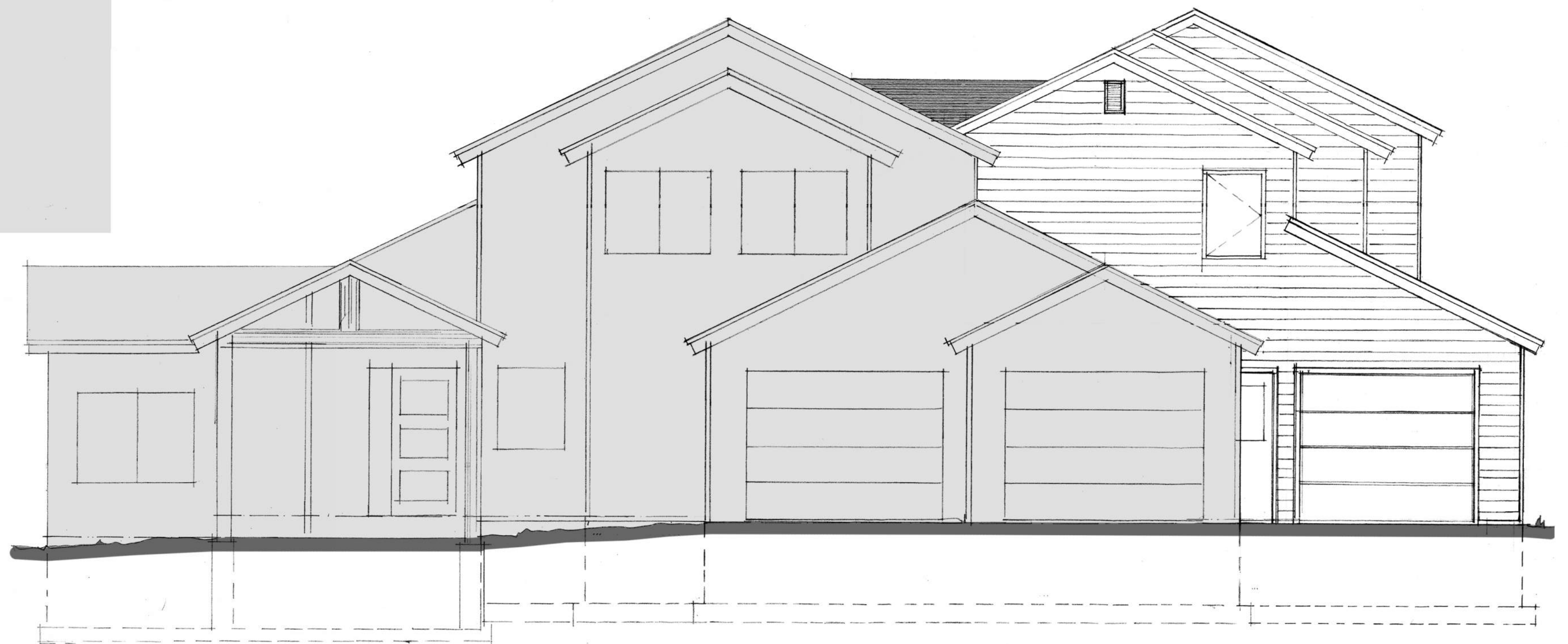
-  NEW WALLS
-  EXISTING WALLS
-  EXISTING HOUSE
-  NEW ACCESSORY DWELLING UNIT
-  1 HOUR RATED WALL



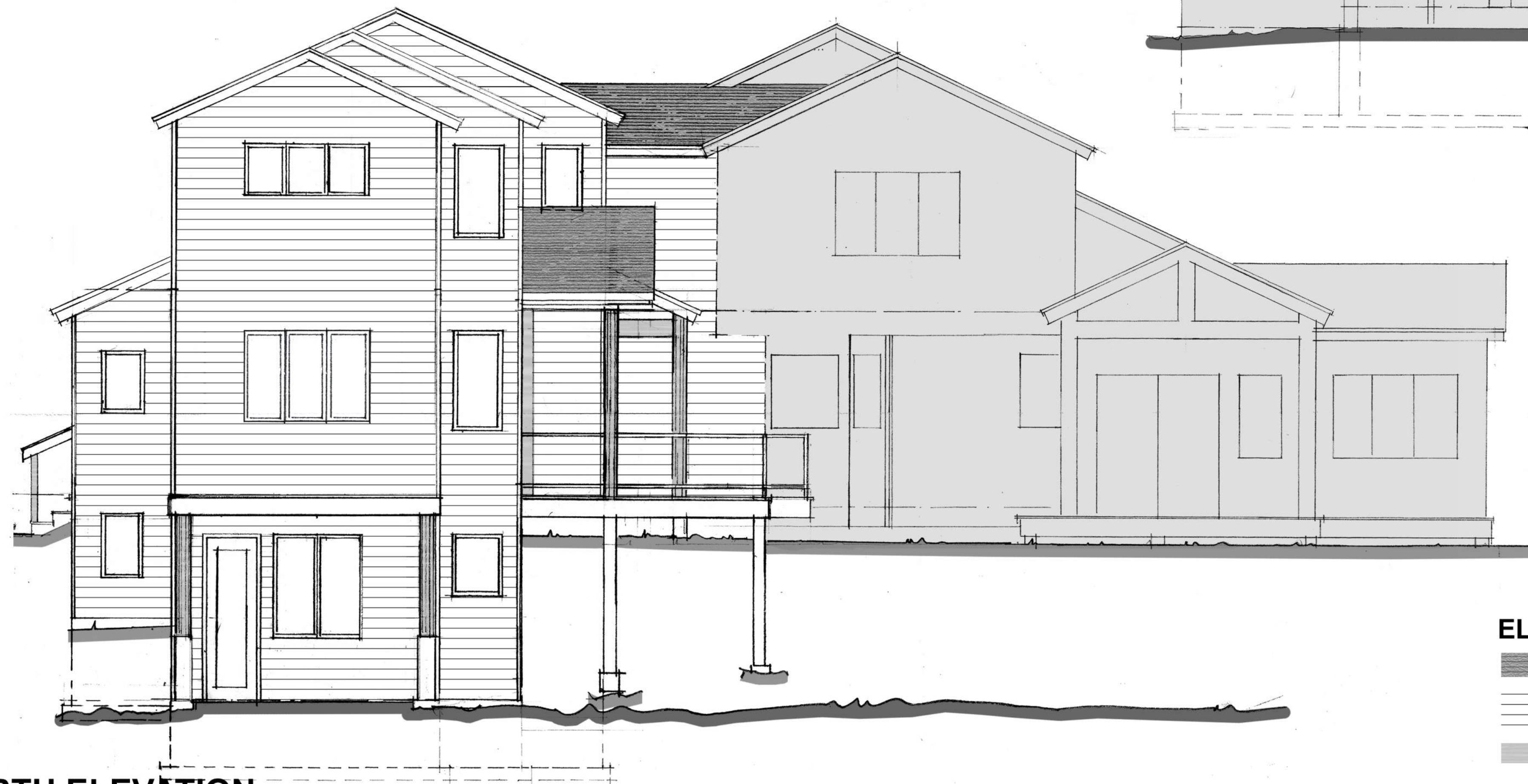
LOWER LEVEL FLOOR PLAN, ELEVATION AND SECTION		PROJECT NO. 001
MILLER RESIDENCE ACCESSORY DWELLING UNIT / ADDITION 308 WEST BUFFALO STREET - LOT 8 BLOCK "B" DILLON, COLORADO 80435		DATE 2021.04.19
		SHEET NO. A-3



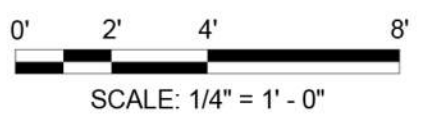
3 WEST ELEVATION



1 SOUTH ELEVATION



2 NORTH ELEVATION



ELEVATION LEGEND

	COMPOSITE SHINGLE ROOF

ELEVATIONS

MILLER RESIDENCE
 ACCESSORY DWELLING UNIT / ADDITION
 308 WEST BUFFALO STREET - LOT 8 BLOCK "B"
 DILLON, COLORADO 80435

PROJECT NO.	001
DATE	2021.04.19
SHEET NO.	

RESOLUTION NO. PZ 04 - 21
Series of 2021

A RESOLUTION APPROVING A LEVEL III DEVELOPMENT APPLICATION AND CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT AT 308 BUFFALO STREET

WHEREAS, the Planning and Zoning Commission of the Town of Dillon (“Planning Commission”) has received an application (the “Application”) for a Level III Development and Conditional Use Permit from Blair Miller (the “Applicant”), to operate an accessory dwelling unit (“ADU”) in an addition to a single-family residence to be constructed at 308 Buffalo Street; and

WHEREAS, that the Applicant’s Level II Development application to construct the addition to the single-family residence at 308 Buffalo Street was approved by the Development Review Committee on April 27, 2021; and

WHEREAS, the Planning Commission has determined that the Application is complete; and

WHEREAS, following the required notice, a public hearing on the Application was held on May 5, 2021, before the Planning Commission; and

WHEREAS, following the public hearing the Planning Commission has made certain findings of fact regarding the Application and has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the development should attach to the approval of the Application.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. That on May 5, 2020, the Planning Commission, following the required notice, held a public hearing on the Application, and following said public hearing makes the following findings of fact:

- A. That the Application is complete.
- B. That the Application meets the applicable Town of Dillon Municipal Code (“Code”) requirements, including applicable conditional use criteria.
- C. That the Application provides for two (2) parking spaces to serve the ADU, and that such parking area is landscaped to buffer parking from neighboring properties.
- D. That the habitable portion of the accessory apartment is not greater than nine hundred (900) square feet in size, nor is it more than one-third (1/3) the size of the heated living area of the primary residential unit.

- E. That the accessory apartment unit design is compatible with the neighborhood and the principal structure.
- F. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.

Section 2. That the Planning Commission approves the Application for a for a Level III Development and Conditional Use Permit to operate an ADU in the addition to a single-family residence to be constructed at 308 Buffalo Street, on the following conditions:

- A. The ADU shall be constructed in accordance with the Application.
- B. Prior to certificate of occupancy, the property owner shall pay water and sewer tap fees required for ADUs pursuant to the Dillon Municipal Code.
- C. The ADU shall meet all applicable building code requirements.
- D. Prior to certificate of occupancy, the property owner shall enter into a restrictive covenant with the Town to be recorded in the County property records stating the ADU will not be subdivided into a separate ownership unit from the primary residence.
- E. Prior to certificate of occupancy, the property owner shall execute a deed restriction against the ADU's utilization as a short-term rental unit, which means the ADU may not be rented for periods of time of less than six (6) months.
- F. The property owner shall submit a copy of the Certificate of Occupancy to the Town.
- G. The Town Manager may approve minor revisions to the Application that do not alter the character or intent of the Application as approved by this Resolution.
- H. The Applicant shall provide additional screening for the parking spaces associated with the ADU to provide a buffer to the adjoining residential property. Because the buffer area is within a utility easement, the landscaping shall consist of ground cover, shrubs, and / or ornamental grasses, that if necessary for utility construction could be easily removed and replaced at the expense of the property owner.

APPROVED AND ADOPTED THIS 5TH DAY OF MAY, 2021, BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

**PLANNING AND ZONING COMMISSION
TOWN OF DILLON**

By: _____
Alison Johnston, Chairperson

ATTEST:

Michelle Haynes, Secretary to the Commission

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