

**PLANNING AND ZONING COMMISSION ACTION ITEM
STAFF SUMMARY
JULY 7, 2021 PLANNING AND ZONING COMMISSION MEETING**

DATE: July 2, 2021

AGENDA ITEM NUMBER: 6

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 13-21, Series of 2021. (PUBLIC HEARING)

**A RESOLUTION APPROVING A VARIANCE FROM THE GENERAL
PARKING REQUIREMENTS AND DESIGN STANDARDS FOR THE
SUMMIT HISTORICAL SOCIETY 1883 DILLON SCHOOL HOUSE
MUSEUM LOCATED AT 403 E. LA BONTE STREET.**

BACKGROUND / TIME FRAME:

- December 2020 – March 2021: Staff coordinating parking lot design concepts with Summit Historical Society Board representative
- March 3, 2021: Planning and Zoning Commission determination of the appropriate required off-street parking for a museum use previously not identified in the Code.
- March 17, 2021: Summit Historical Society Board Meeting – Town staff presented concept parking lot and site accessibility improvements
- April 20, 2021: Town Council review of preliminary 1883 Schoolhouse Museum parking lot concept
- June 15, 2021: Town Council site visit and situation review with the Summit Historical Society Board followed by further work session discussion and staff direction
- July 6, 2021: Town Council Work Session discussion for potential Historical Museum parking lot configuration

SUMMARY:

- The Town of Dillon is the landowner on which the 1883 Dillon Schoolhouse Museum is sited through a long-term lease agreement with the Summit Historical Society. Please refer to *Figure 1* for the *Museum Vicinity Map*.

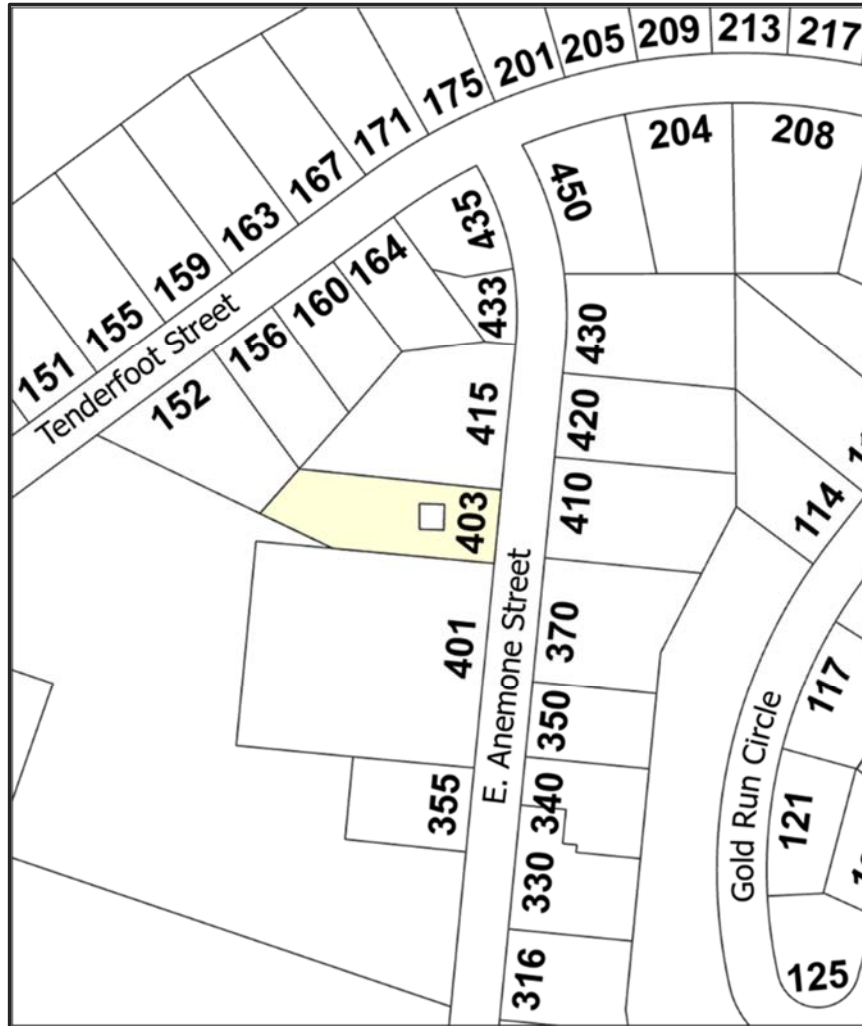


Figure 1. 1883 Dillon School House Museum Vicinity Map

- With the design development for the E. La Bonte Street roadway improvements project and the ongoing effort for the Town to upgrade properties under its control for ADA compliance, Town staff worked with the Summit Historical Society Board representative to design potential site improvements for the 1883 Dillon Schoolhouse Museum site. Town staff was initially contacted by the Historical Society to see if parking similar to the new configuration at the tennis courts might work on the museum site.
- Identified issues with the current parking configuration:
 - Complete lack of ADA accessibility in parking, accessible route, and building access
 - Gravel parking lot surface
 - Difficult site for snow removal and maintenance (performed by the Town)

- Parking lot dimensions do not meet the minimum criteria in the Code for parking lot and drive aisle dimensions

Please refer to **Figure 2** for the **Existing Site Conditions**

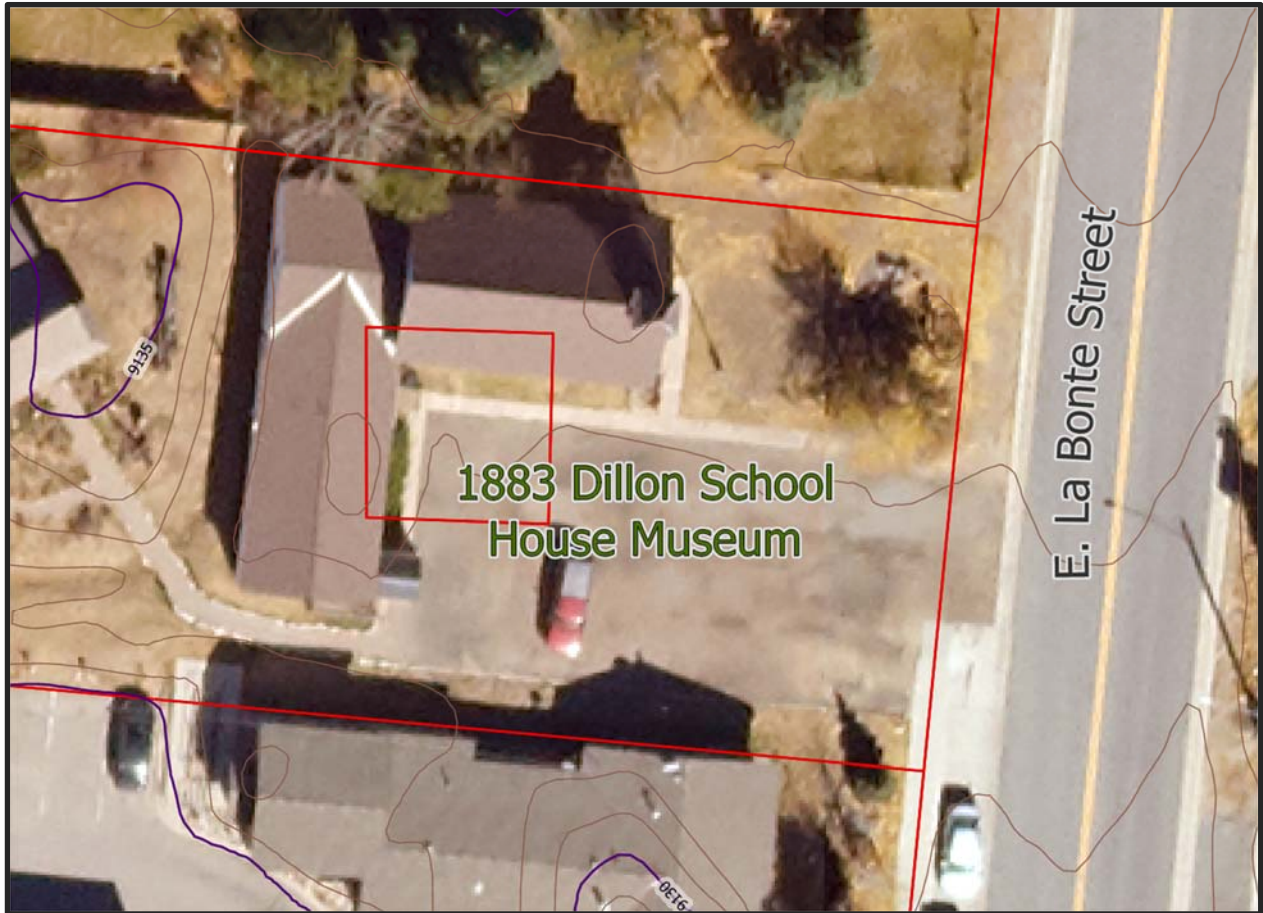


Figure 2. 1883 Dillon School House Museum Existing Site Conditions

- In accordance with provisions of the Dillon Municipal Code (“DMC” or “Code”), Town staff requested the Planning and Zoning Commission make a determination of the required off-street parking for a museum use in Dillon since the Code did not provide for such a use.
 - The Code states, “The number of parking spaces required for uses not listed within this Section shall be determined by the Planning and Zoning Commission, after review and recommendation by the Town Manager, based on the impacts anticipated by the proposed use, and shall relate to the anticipated demand created by each proposed use.” (DMC § 16-6-40 “General parking requirements”)
 - The Commission determined that the most correlative parking use identified in the Code is “Retail sales, commercial, general office, medical office, [&] dental office,”

which require one off-street parking space per 400 gross square feet, and is the standard amount of required parking for most uses in Town. (DMC § 16-6-40)

- Staff applied the one off-street parking space per 400 gross square feet to the 2,300 square foot building (per the Summit County Assessor’s Office) to determine the required number of spaces for the off-street parking:
 - 5.75 = 6 Off-street Parking Spaces Required
 - The Code requires:
 - “Parking facilities shall be designed and constructed with accessible parking and accessible access routes in conformance with the federal 2010 ADA Standards for Accessible Design.
 - Parking facilities shall provide the minimum number of required accessible parking spaces per Section 208 of the federal 2010 ADA Standards for Accessible Design.
 - At least one (1) van-accessible parking space is required for every six (6) or fraction of six (6) accessible parking spaces required...
 - The width of an accessible parking space may be reduced to a minimum of eight (8) feet wide when adjacent to an access aisle that is a minimum of eight (8) feet wide.” (DMC § 16-6-60 (10) (a-d) “Design standards for off-street parking spaces and facilities – Accessible parking”)
 - The Code prohibits backing onto a public street:
 - Except for single-family and duplex parking areas, all other parking stalls and spaces shall be so designed, located and served by maneuvering lanes so their use will under no circumstances require a backing movement onto any public street. (DMC § 16-6-60 (7) (a) “Design standards for off-street parking spaces and facilities – Backing onto public street”)
- Staff worked on several iterations of off-street parking lot design for Code compliant site improvements. It was quickly determined that the site could not support the parking lot configuration similar to that of the Town Park parking area near the tennis courts as initially desired by the Historical Society.
- Given site constraints of building location and lot dimensions, various iterations of proposed parking lot concepts failed to meet all of the Code criteria while also acknowledging the importance of respecting the historical nature of the school house museum and maintain a semblance of its historic charm by preventing modern vehicles from parking directly in front of it.

- During the June 15, 2021 Town Council Work Session, Town staff was advised of certain characteristics the Town Council really wanted to see with any proposed parking improvements. Town staff was tasked with returning to the next Works Session with a concept plan that best fit this vision. The key elements of the vision were:
 1. Six (6) onsite parking spaces, one of which is accessible per ADA
 2. The parking is to be away from the 1883 School House, head in toward the adjacent church property to the south
 3. The six-foot (6') sidewalk from the E. La Bonte Street Right-of-way is to follow the current alignment of the existing sidewalk coming from the Right of way – without impacting the existing mature Aspen tree and historic displays.
 4. Remnant parking area is to be converted to a landscape area
 5. Final alignment of sidewalk to rear of building is not determined, as there is a concept of a breezeway between the School House and the annex building through a structural modification, thus the six-foot (6') walk alignment as proposed.
 6. From the six-foot (6') sidewalk, there is a desire to have an accessible sidewalk / ramp to the front entrance to the School House.

Based on this feedback, Town staff developed a concept parking exhibit for review by the Town Council during their July 6, 2021 Works Session. Please refer to **Figure 3**. At the time of this writing, the outcome of that Work Session discussion is not known, but it is determined that any parking lot configuration on the site designed to protect the historical nature of the museum would at the very least require a variance from the standard off-street parking design criteria, most specifically the drive aisle width. Due to the historical preservation concerns, the Town Council may also determine that the amount of off-street parking on site should deviate from the determined six (6) parking spaces

Town Code requires off-street parking lot drive widths of twenty-four (24) feet but given site constraints and the desire to limit site improvements to be similar to the current site configuration, the achievable drive aisle width is twenty (20) feet. This is the primary purpose of this Variance request.

The Town Engineer has reviewed a twenty (20) foot drive aisle width, and in consideration of the fact that the drive aisle is not a through-way, the lot is currently configured with a similar such drive aisle, and due to the interest of preserving the historic aesthetic of the site, finds that the twenty (20) foot width is acceptable.

Should the Town Council determine that a reduced amount of off-street parking be provided on site to better preserve the historic aesthetic of the site, then this resolution would also provide the Variance from the determined required parking. Not only is such a variance potentially necessary to better preserve the historic aesthetic, it is supported by propped parallel parking to be constructed on E. La Bonte Street, and Town Park parking provided in relative close proximity to the site.

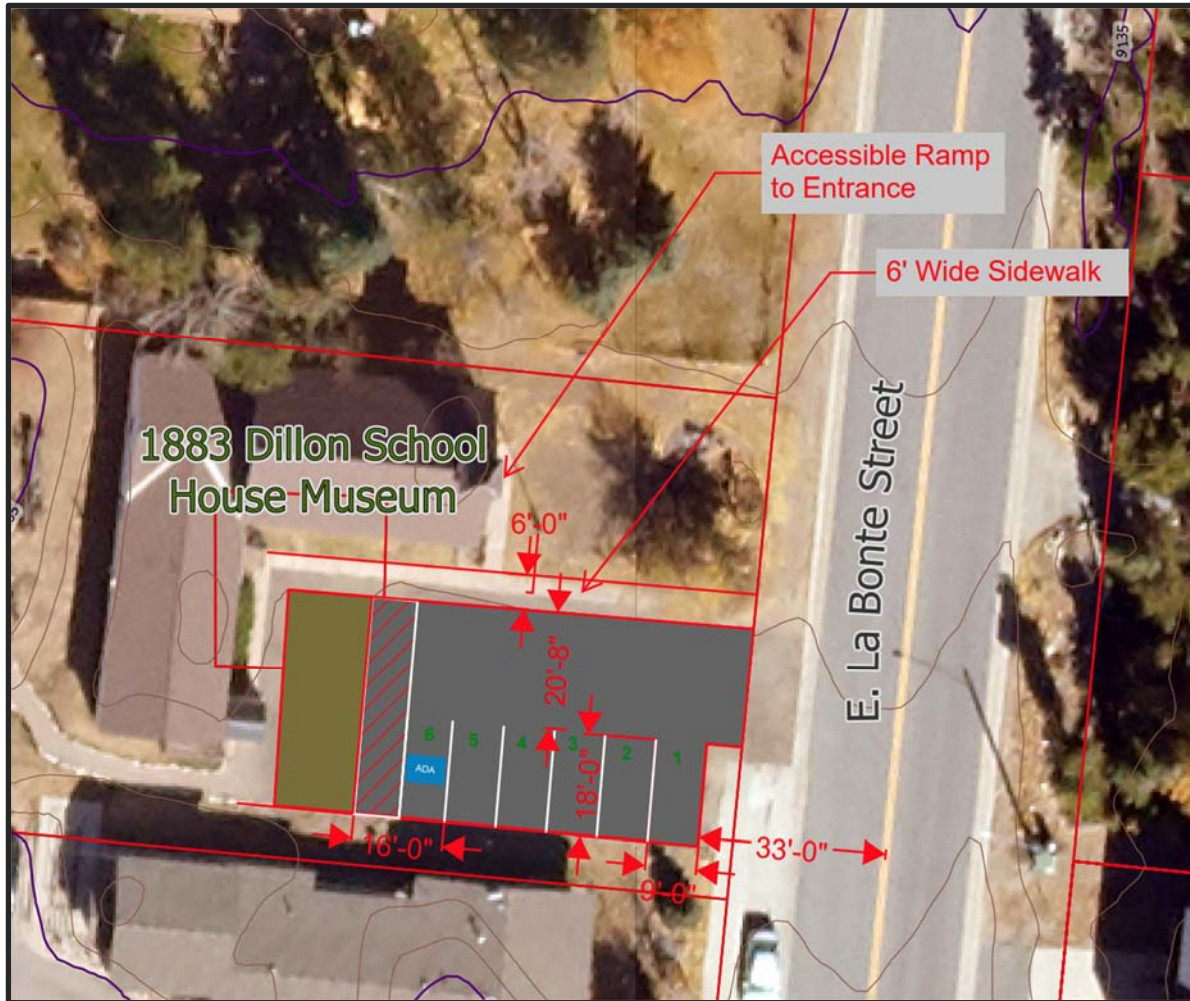


Figure 3. Potential 1883 Dillon School House Museum Parking Configuration

CONSIDERATION OF A VARIANCE:

A Variance may be granted only in the event that all of the following circumstances exist:

- a. Special or unusual circumstances apply to the property or use which do not apply generally to other properties or uses in the same zone or vicinity regarding the physical nature of the property.
- b. The Variance would not be materially detrimental to the public health, safety or welfare, to the purposes of Chapter 16, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any Town plans or policies.
- c. The Variance requested is the minimum Variance which would alleviate the hardship.

Town staff believe the following circumstances support the issuance of a Variance for the 1883 Dillon School House Museum parking lot:

1. That strict application of Chapter 16, Article VI “Off-street parking and loading” would cause an undue or unnecessary hardship owing to the unique and special historical nature of the various buildings sited on the property. Please refer to *Appendix ‘A’ for Chapter 16, Article VI “Off-street parking and loading”*.
2. That to require the full drive aisle width required by the Code would detract from the mission of the Historical Society to provide a walkable property integrated with the Town Park.
3. That circumstances 1 and 2 discuss unusual circumstances that do not apply generally to other properties or uses in the same zone or vicinity.
4. That the Variance will not be materially detrimental to the public health, safety or welfare, to the purposes of Chapter 16, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any Town plans or policies.
5. That the Applicant has proposed as many parking spaces and as much drive aisle width as possible while still preserving the historic nature of the property, and thus the Variance requested is the minimum Variance necessary to alleviate the hardship.
6. That the Town proposes on street parallel parking on E. La Bonte Street in front of the Museum and also provides Town Park parking spaces in relative close proximity to the Museum.

BUDGET IMPACT: To Be Determined

STAFF RECOMMENDATION: Town staff recommends approval of Resolution PZ 13-21, Series of 2021 with conditions as presented in the resolution.

MOTION FOR APPROVAL:

I move we approve Resolution PZ No. 13-21, Series of 2021.

ACTION REQUESTED: Motion, Second, Roll Call Vote.

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

DEPARTMENT HEAD RESPONSIBLE: Scott O’Brien, Public Works Director

Appendix ‘A’
Chapter 16, Article VI
“Off-street parking and loading”

ARTICLE VI Off-Street Parking and Loading

Sec. 16-6-10. Intent.

The intent of this Article is to require the provision of off-street parking related to the development of projects throughout the Town in order to facilitate the parking needs of the community.

Sec. 16-6-20. General regulations.

Off-street parking spaces and loading areas shall be provided as specified in Section 16-6-30 for any development proposed within the Town, including additions and/or conversions of a building or portion of a building to a use that is more intensive than the existing use, as that use relates to the requirements for additional parking spaces.

Sec. 16-6-30. Off-street parking requirements.

A parking fee and agreement to join a parking district are required for off-street parking.

Sec. 16-6-40. General parking requirements.

- (a) The following number of parking spaces shall be provided for any new development, addition to an existing development or change of use:

Use	Required Spaces
Residential	
Single-family	2 spaces
Duplex	2 spaces/unit
Multi-Family Residential and Hotels	
Efficiency, studio, 1-bedroom	1.5 spaces/unit
2-bedroom or greater	2 spaces/unit
Lodging, hotel, motel, bed & breakfast	1 space/bedroom
Schools	
Child care center	1 space/employee + 1 space/10 children
Elementary, middle school	2 spaces/classroom
High school, college	.25 spaces/student capacity + 1 per faculty member
Commercial/Miscellaneous	
Retail sales, commercial, general office, medical office, dental office	1 space/400 gross sq. ft.
Church	1 space/400 gross sq. ft.
Auto service establishment	1 space/employee + 1 space/service bay
Restaurant, sit-down	1 space/120 gross sq. ft.
Restaurant, drive-in	1 space/100 gross sq. ft.
Restaurant, outdoor seating	Outdoor seating that does not exceed 20% of the size of the restaurant, based on gross square footage, shall be exempt. Outdoor seating in excess of 20% shall

	provide parking for those portions of the seating area in excess of 20% at the same rate as the restaurant itself
Conference Center or Public Meeting Room	1 space/every 250 square feet
Entertainment	
Auditorium, theater	1 space/4 seats
Bowling alleys	4 spaces/alley + 1 space/employee

- (b) All parking requirements that are not whole numbers shall be rounded upward to the next highest whole number.
- (c) The number of parking spaces required for uses not listed within this Section shall be determined by the Planning and Zoning Commission, after review and recommendation by the Town Manager, based on the impacts anticipated by the proposed use, and shall relate to the anticipated demand created by each proposed use.

(Ord. 19-96 §6.00; Ord. 01-99 §1; Ord. 08-99 §4; Ord. 08-02 §1; Ord. 06-12 §§2, 3; Ord. 07-17 §1)

Sec. 16-6-50. Participation in future parking improvements and parking fees.

- (a) In those instances where the applicant for a development permit within the Core Area, including a request for a change of use, cannot or desires not to provide all parking spaces required in this Chapter, the applicant may request to enter into an agreement with the Town to pay (i) a fee per deficient parking space as set forth below; and (ii) the annual fee for a pro-rata share of the Town's costs in maintaining, removing snow from, and overlaying, from time to time, parking spaces in Town-provided parking lots, as set forth in Chapter 11 of this Code; such request may be granted or denied in the Town Council's sole discretion. Fees per deficient parking spaces shall only be charged for the number of required parking spaces a development is deficient, and no fee per deficient parking space shall be charged for parking spaces actually provided.
- (b) The right of an applicant to request and, if granted, to enter into such an agreement and make such payments, and the authority of the Town to accept such payments, shall be subject to the following limitations:
 - (1) Not applicable to residential uses. Requests to pay fees in lieu of providing parking spaces in the amount required in this Chapter shall not be granted for parking as required for residential uses. The full amount of parking spaces as required for residential uses must be provided on-site.
 - (2) Agreement. The agreement shall specify the number of spaces the project is deficient, shall indicate the applicant's agreement to pay the fee per deficient parking space and the annual fee , and shall be entered into prior to the issuance of a building permit.
 - (3) Amount of fee per deficient parking space. The amount of the fee per deficient parking space shall be contingent on the number of parking spaces the project is deficient as set forth in Chapter 19 of this Code.
 - (4) Payment of fee per deficient parking space. The fee per deficient parking space shall be paid in full to the Town prior to the issuance of a building permit for the project or, at the discretion of the Town, at another time as agreed to between the Town and applicant, if the fee is guaranteed by a letter of credit.
 - a. Except as provided in Subsection (7) below, fees paid to the Town are nontransferable and nonrefundable. Any fee paid in connection with the development of a particular lot, tract or parcel shall run with the land for which the fee is paid, and is nontransferable to any other lot, tract or parcel.

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- b. If the development permit for which a fee has been paid has expired, and a new application for a development permit is thereafter filed for the same parcel within five (5) years, the Town shall credit any previous payments of fees per deficient parking spaces toward any fees due for the new application.
 - c. If a change in use of a property results in a reduced requirement for off street parking under the provisions of this Chapter, no refund shall be paid by the Town with respect to off street parking spaces which are no longer required.
- (5) Use of fees per deficient parking space by Town. The fees collected by the Town pursuant to this Section may be expended by the Town only for the following purposes:
- a. Acquisition of real property for the construction of municipal parking facilities within the Core Area, or any area located within one-half (½) mile of the Core Area if the Town Council determines that the Core Area will benefit from the provision of parking on such property.
 - b. Development, expansion, design or capital repair of municipal parking spaces or facilities within the Core Area, or any area located within two thousand (2,000) feet of the Core Area, including but not limited to, construction costs, surveying costs, engineering, design and similar expenses related thereto.
 - c. Payment of the principal, interest and other costs of bonds, notes and other obligations issued or undertaken by or on behalf of the Town to finance the acquisition, development, expansion or capital repair of municipal parking spaces and facilities within the Core Area or within two thousand (2,000) feet of the Core Area.
- (6) Fees in lieu of deficient parking shall not be used to remedy any deficiency in capital facilities that exists without regard to the proposed development.
- (7) Refund or credit of fees paid in lieu of providing parking.
- a. Refund. Any fees in lieu of providing parking, or portion thereof, collected pursuant to this Section which have not been expended or which have not been committed for expenditure for eligible parking improvements or design within twenty-five (25) years from the date of payment shall be refunded, upon application, to the record owner of the property for which the fee was paid, together with interest thereon at the legal rate earned thereon by the Town from the date of collection to the date of refund.
 - b. Credit. In the event the Town forms a special improvement district for the purpose of providing public parking facilities within or adjacent to the Core Area, all parking fees (not including interest) paid within a ten-year time period immediately prior to the formation of the district shall be credited toward the assessments of each lot for which the fees were previously paid.
- (8) Parking account.
- a. The Finance Director shall establish an interest-bearing account into which all fees per deficient parking space collected by the Town pursuant to this Section shall be deposited. Interest earned on the account into which the fees are deposited shall be considered funds of the account and shall be used solely for eligible parking design and improvements as authorized in this Section. The fees collected and the interest earned thereon shall not be commingled with any other funds of the Town.
 - b. The Finance Director shall establish adequate financial and accounting controls to ensure that the fees per deficient parking space disbursed from the account are utilized solely for eligible parking design and improvements as authorized in this Section.

(Ord. 05-99 §1; Ord. 02-02; Ord. 05-03 §2; Ord. 01-04 §§1-3; Ord. 14-20 §3)

Sec. 16-6-60. Design standards for off-street parking spaces and facilities.

Each off-street parking space or facility provided within the Town shall conform to the following design standards:

- (1) Size of parking stalls/spaces.
 - a. Within a parking facility containing four (4) or more spaces, the minimum parking stall sizes shall be:

	Length	Width
30 to 90 degree parking	18 feet	9 feet
Parallel parking	25 feet	8 feet
Enclosed parking	18 feet	9 feet

- b. For all other parking facilities, including single-family, duplex or any other uses where a parking facility contains less than four (4) parking spaces, the minimum parking stall sizes shall be:

	Length	Width
30 to 90 degree parking	18 feet	9 feet
Parallel parking	25 feet	8 feet
Enclosed parking	18 feet	9 feet

- (2) Width of parking aisles. The following minimum aisle widths shall be required for all off-street parking facilities provided within the Town:

Angle of Parking Stalls	Minimum Aisle Width
45 degrees	14 ft. (one-way traffic only)
60 degrees	18 ft. (one-way traffic only)
75 degrees	20 ft. (one-way traffic only)
90 degrees	24 ft. (one- or two-way traffic)

- (3) Maximum grades.

- a. Single-family and duplex uses. The maximum grade allowed for single-family and duplex uses shall not exceed ten percent (10%), with the exception that the first twenty (20) feet immediately adjacent to any garage shall not exceed eight percent (8%), or twelve percent (12%) if heated.
 - b. Summer seasonal parking lots. The maximum grade allowed for parking spaces shall not exceed six and one-half percent (6.5%) in any direction. The maximum grade allowed for drive aisles adjacent to parking spaces shall not exceed six and one-half percent (6.5%) in any direction. The maximum grade allowed for access driveways between the public road and the parking spaces shall not exceed ten percent (10%) in any direction.
 - c. All other uses. The maximum grade allowed for parking spaces shall not exceed four percent (4%) in any direction. The maximum grade allowed for drive aisles adjacent to parking spaces shall not exceed four percent (4%) in any direction. The maximum grade allowed for access driveways between the public road and the parking spaces shall not exceed ten percent (10%) in any direction.
 - d. Access drives crossing sidewalks. When an access drive crosses a public sidewalk or a designated accessible route, the slope of the drive aisle shall not exceed two percent (2%) to maintain the cross-slope of the sidewalk or accessible route. This is typically accomplished by the installation of a concrete curbcut for sidewalks attached to the curb along a roadway.
- (4) Paving. All parking spaces, including driveways, shall be surfaced with asphalt, concrete or equivalent.
- (5) Lighting. Any lighting proposed for the purpose of providing lighting for a parking facility shall be designed in a manner where the light is directed away from any adjoining properties. In addition,

lighting fixtures for parking lots within the Core Area shall be compatible with the light fixtures provided by the Town to light Town parking lots and public ways.

- (6) Accessibility. All off-street parking spaces and facilities shall have legal, unobstructed access to a public street or alleyway.
- (7) Backing onto public street.
 - a. Except for single-family and duplex parking areas, all other parking stalls and spaces shall be so designed, located and served by maneuvering lanes so their use will under no circumstances require a backing movement onto any public street.
 - b. In cases where portions of a Town owned right-of-way are used as primarily public parking, and where the portion of the right-of-way used as primarily public parking also does not have a street name designation, backing into the drive aisle adjacent to the parking spaces shall be permitted.
 - c. In the Core Area Zone District, upon determination by the Town Manager that no other option for accessible parking is available for a particular building, accessible parking spaces for such building may be allowed to back into the right-of-way in order to provide accessible parking for such building.
- (8) Landscaping. All off-street parking facilities containing four (4) or more spaces shall be adequately screened from any adjacent residentially zoned parcel or public street by a strip of land at least ten (10) feet in width (fifteen [15] feet if in a front yard) densely landscaped with a combination of trees and shrubs adequate to screen the adjacent property or right-of-way from the parking lot. This landscaping area shall contain a minimum of one (1) tree per ten (10) linear feet, with the trees being a minimum of eight (8) feet in height, and having a mixture of evergreens and deciduous trees at a ratio of 50:50.
- (9) Snow storage.
 - a. Summer seasonal parking lots are not required to have additional snow storage areas.
 - b. Unless designed with a snow melt system, all other parking areas shall be provided with snow storage areas adequate to meet the needs of the parking facilities. This shall include the provision of a minimum of snow storage equal to twenty-five percent (25%) of the area to be cleared of snow. Such snow storage areas shall be located in a manner to reasonably facilitate the snow removal process. The snow storage areas shall be landscaped in a manner that does not interfere with the snow storage process.
- (10) Accessible parking.
 - a. Parking facilities shall be designed and constructed with accessible parking and accessible access routes in conformance with the federal 2010 ADA Standards for Accessible Design.
 - b. Parking facilities shall provide the minimum number of required accessible parking spaces per Section 208 of the federal 2010 ADA Standards for Accessible Design.
 - c. At least one (1) van-accessible parking space is required for every six (6) or fraction of six (6) accessible parking spaces required per this Section.
 - d. The width of an accessible parking space may be reduced to a minimum of eight (8) feet wide when adjacent to an access aisle that is a minimum of eight (8) feet wide.

(Ord. 19-96 §6.00; Ord. 01-13 §1; Ord. 07-13 §§2, 3, 4; Ord. 07-17 §2)

Sec. 16-6-70. Maintenance of off-street parking spaces and facilities.

- (a) It shall be the responsibility of the owner to maintain the off-street parking spaces or facilities in a state of good repair and in an unobstructed condition so as to ensure that all required off-street parking spaces are available for use on a daily basis.
- (b) Upon an accumulation snow depth of four (4) inches of uncompacted snow, all off-street parking spaces shall be substantially cleared of snow within twenty-four (24) hours. The removed snow shall be stacked in such a way so as not to impair lines of sight or disrupt the proper flow of vehicular or pedestrian traffic.
- (c) Snow removal is not required in summer seasonal parking lots. Summer seasonal parking lots may be used for snow storage.

(Ord. 19-96 §6.00; Ord. 02-02; Ord. 07-13 §5)

Sec. 16-6-80. Use restrictions for off-street parking facilities.

- (a) The required number of off-street parking spaces shall be maintained for the parking of operable passenger vehicles of residents, customers, patrons and employees only, and shall not be used as parking for vehicles which are being used as a residence, for storage of vehicles or materials.
- (b) Unless otherwise allowed in this Section, required off-street parking spaces shall not be used for the parking or storage of trailers, boats, detached campers, disabled or inoperable vehicles or other objects that will render the parking space unusable according to the intent and purpose of this Article.
- (c) Parking spaces located within summer seasonal parking lots may be used for the storage of trailers, boats and snow as approved by the Town Manager.

(Ord. 19-96 §6.00; Ord. 07-13 §§6, 7)

Sec. 16-6-90. Off-street loading spaces.

Every project used for commercial, retail or industrial purposes with a gross floor area of over twenty thousand (20,000) square feet shall be required to have a minimum of one (1) off-street loading area provided on site.

RESOLUTION NO. PZ 13-21
Series of 2021

**A RESOLUTION APPROVING A VARIANCE FROM THE GENERAL
PARKING REQUIREMENTS AND DESIGN STANDARDS FOR THE
SUMMIT HISTORICAL SOCIETY 1883 DILLON SCHOOL HOUSE
MUSEUM LOCATED AT 403 E. LA BONTE STREET.**

WHEREAS, the Planning Commission has received an application (the “Application”) from the Town Council (the “Applicant”) for a Variance from the general off-street parking requirements and design standards for the Summit Historical Society 1883 Dillon School House Museum (the “Museum”) located at 701 403 E. La Bonte Street; and

WHEREAS, the Town of Dillon owns the property, more specifically know as Lot 7, Block M, New Town of Dillon on which the Museum is sited; 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 July 7, 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. The Planning Commission, following the required notice, held a public hearing on July 7, 2021 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 (“Town Code”) requirements.
- C. That the Town Code does not specifically set forth a minimum number of off-street parking spaces required for museums.
- D. That at a previous meeting, the Planning Commission had assented to the Town staff’s recommendation that museums within the Town provide off-street parking at a rate of

one (1) space per four hundred (400) gross square feet of primary building area, which if applied to the Historical Society parking lot would require six (6) parking spaces.

- E. That the Planning Commission did not formally adopt the one (1) space per four hundred (400) gross square feet of primary building area ratio, and may consider a different parking requirement for the Museum pursuant to Section 16-6-40(c) of the Town Code.
- F. That the Application proposes _____, one (1) of which is van accessible pursuant to the Americans with Disabilities Act.
- G. Pursuant to Section 16-6-60(2) of the Town Code, all off-street parking facilities proposing ninety (90) degree parking, must provide drive aisles with a minimum width of twenty-four (24) feet (for one- or two-way traffic).
- H. That the Application proposes a drive aisle of only twenty feet (20’).
- I. That the Planning Commission may authorize Variances from the requirements of Chapter 16 (Zoning) of the Town Code where it can be shown that, owing to special and unusual circumstances related to a specific property or use, strict application of Chapter 16 would cause an undue or unnecessary hardship.
- J. That no Variance shall be created to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located, or based solely on issues related to cost or inconvenience to the applicant.
- K. That the Museum is an existing nonconforming use in the Residential Low (RL) zone district.
- L. That in granting a Variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of Chapter 16.
- M. That a Variance may be granted only in the event that all of the following circumstances exist:
 - 1. Special or unusual circumstances apply to the property or use which do not apply generally to other properties or uses in the same zone or vicinity regarding the physical nature of the property.
 - 2. The Variance would not be materially detrimental to the public health, safety or welfare, to the purposes of Chapter 16, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any Town plans or policies.
 - 3. The Variance requested is the minimum Variance which would alleviate the hardship.

- N. That strict application of Chapter 16, Article VI would cause an undue or unnecessary hardship owing to the unique and special historical nature of the various buildings sited on the property.
- O. That to require the full drive aisle width required by the Code would detract from the mission of the Historical Society to provide a walkable property integrated with the Town Park.
- P. That Sections N and O discuss unusual circumstances that do not apply generally to other properties or uses in the same zone or vicinity.
- Q. That the Variance will not be materially detrimental to the public health, safety or welfare, to the purposes of Chapter 16, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any Town plans or policies.
- R. That the Applicant has proposed as many parking spaces and as much drive aisle width as possible while still preserving the historic nature of the property, and thus the Variance requested is the minimum Variance necessary to alleviate the hardship.
- S. That the Town proposes on street parallel parking on E. La Bonte Street in front of the Museum and also provides Town Park parking spaces in relative close proximity to the Museum.

Section 2. The Planning Commission hereby approves the Application for a Variance from the general off-street parking requirements and design standards for the Summit Historical Society 1883 Dillon School House Museum located at 701 403 E. La Bonte Street, subject to the following conditions:

- A. The parking lot shall be constructed in accordance with the Application.
- B. 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.

APPROVED AND ADOPTED THIS 7TH DAY OF JULY, 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