



TOWN OF DILLON
Planning and Zoning Commission
Regular Meeting
VIA MICROSOFT TEAMS
Dillon Town Hall | 275 Lake Dillon Drive | Dillon, Colorado
Wednesday, March 1, 2023 | 5:30 p.m.
STAFF SUMMARY

DATE: March 1, 2023

AGENDA ITEM NUMBER: 4.a.

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 03-23, Series of 2023 (PUBLIC HEARING)

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A WHOLESALE TRADE CLASS 1 USE IN THE CORE AREA ZONE DISTRICT LOCATED AT 325 LAKE DILLON DRIVE.

TOPIC:

The Town of Dillon has received a Level III Development Permit Application for a Conditional Use Permit for a Wholesale trade class 1 in the building located at 325 Lake Dillon Drive, more specifically described as Lot C-2, Block A, New Town of Dillon Subdivision. The building vicinity map may be viewed in **Figure 1**.

Applicant: The Applicant is Andrew Iwashko, Mountain to Mountain Coffee Limited.

Application Fee: \$525

Public Notice:

Level III Applications require a Public Hearing before the Planning and Zoning Commission (“Planning Commission” or “Commission”). The Town posted signs of the Public Hearing on site on Tuesday, February 21, 2023. A newspaper legal notice ran in the Summit Daily (Journal) on Friday, February 17, 2023 and a mailing noticing the public hearing time and date was postmarked on Tuesday, February 21, 2023 to property owners within 300’ of the subject property. Notices were also placed in the Town of Dillon public posting locations. These dates and notification distributions are all within the required 7-day minimum and 14-day maximum notice period required by the Dillon Municipal Code.



Figure 1. 124 Main Street Building Vicinity

SUMMARY:

THE APPLICATION & CODE ANALYSIS:

[NOTE: The following is a Dillon Municipal Code (“DMC” or the “Code”) zoning analysis and is not a building code or fire code analysis. The Applicant will need to work with their design professional, the Summit County Building Inspection Department, and Summit Fire & EMS for building and fire code compliance.]

Application Narrative Provided by Applicant:

The overall scope of this project is to conduct a tenant buildout, transforming 325 Lake Dillon Dr Unit 101 from an existing office space into a café retail space. Applied for a conditional use permit for the purpose of having the ability to roast coffee and provide wholesale services from

the unit. The roaster will be a 3kg electric roaster (See **Figure 2.**) that will be intended to meet in house demand and Summit County wholesale clients. The roaster will be operated on a roast-to-order basis within the hours of 9 a.m. – 6 p.m. Retail space will provide coffee and other beverages, alongside with simple food items for breakfast and lunch. The business will also have a selection of coffee beans, home brewing equipment and other mountain/coffee inspired goods for sale. The tenant buildout plans to convert the existing (3 offices and storage room) layout into a full café space. The space plans to include a plumbed in espresso bar/workspace, basic kitchen set up, and strategic seating to make sure the space feels open and inviting.



Figure 2. Tabletop 3kg Coffee Roaster (<https://www.roestcoffee.com/p2000>)

Zoning District: The Application is located in the Core Area (CA) zone district. A Wholesale trade class 1 is listed as a Conditional Use in the Core Area zone district (DMC § 16-3-150). A conditional use is an activity generally similar to other uses permitted within a zoning district, which, because of the manner in which the proposed use could be developed, may not be appropriate in all situations or may require the imposition of special conditions to ensure compatibility with existing and potential land uses within the vicinity (DMC § 16-4-110).

“Wholesale trade class 1 shall be limited to brewpubs, artisan's workshops, artisan's studios and those wholesale trade establishments which manufacture, repair or assemble apparel, furniture, home furnishings, skis, snowboards, kayaks, canoes, sails, tents, backpacks, sleeping bags and other nonmotorized recreational equipment for indoor or outdoor use. This class shall also include wholesale trade establishments which **produce ingestible items**, such as food, beverages and alcoholic beverages. Allowable uses as production of ingestible items would include bakeries, confectioners and catering" (DMC § 16-1-200).

Parking Analysis: Unique to the Core Area (CA) zone district is that the Town of Dillon owns and maintains almost all the surface parking spaces, and those spaces in the vicinity of this building may be viewed in **Figure 2**. The site does contain eleven (11) on-site parking to serve the residential uses in the upper level of the building.

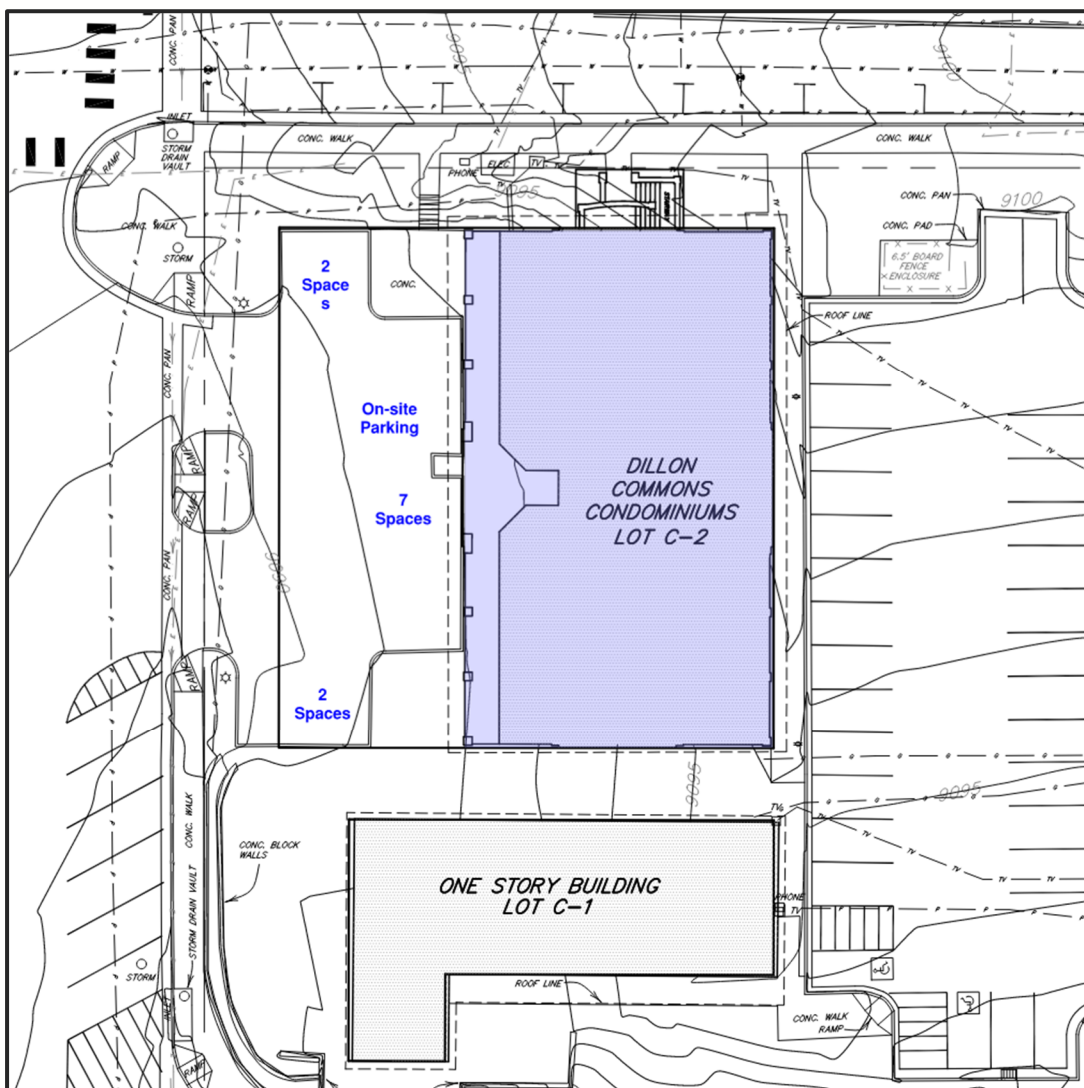


Figure 2. 325 Lake Dillon Drive On-site & nearby parking

The application proposes the conversion of a 1157 square foot office space to a restaurant (café) use. The Code requires one (1) parking space per 120 square feet of restaurant versus one (1) parking space per 400 square feet of office (DMC § 16-6-40). The Code provides for a mechanism wherein commercial businesses in the core Area zone district may enter into an Agreement to Pay Core Area Deficient Parking Space Fees (“Agreement”) with the Town and pay a fee for the number of parking spaces proven to be deficient in the case of a change in use or redevelopment, please refer to **Appendix ‘A’**. The fee per parking space is determined based on a sliding scale in accordance with Appendix 19-A of the Code. The estimated number of spaces required for the change in use for this business and the subsequent fee due is shown in **Table 1**. [NOTE: Town staff will work with the tenant and the property owner to determine if any of the parking provided on-site may be credited toward the required parking to finalize the payment due. The Agreement provides for a mechanism for a payment plan].

Area (SF)	Parking Credit Office Use (1/400 SF)	Parking Required Restauarant	Required Parking Spaces	Deficient Parking Spaces	Fee per Each Deficient Parking Space 1-3	Fee per Each Deficient Parking Space 4-6	Fee per Each Deficient Parking Space 7	Fee for Deficient Parking Spaces
1157	3	1 space / 120 SF	10	7	\$2,000	\$5,000	\$10,000	\$31,000

Table 1.

REVIEW AND FINDINGS BY PLANNING & ZONING COMMISSION:

Review Criteria:

DMC § 16-4-130 of the Dillon Municipal Code provides the following review criteria for a Conditional Use Permit application with the *Applicant responses in italics*. For the complete Code section on Conditional Uses, please see **Appendix ‘B’** of this staff summary.

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.

A Wholesale trade class 1 for the production of consumables is listed as a Conditional Use in the Core Area zone district.

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.

Mountain to Mountain Coffee will be located within an existing building and has no effect on above forementioned.

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

Only slight coffee scent in close vicinity (no more than a block) while machine is in use. The smell of roasting coffee beans is not anticipated to be a significant impact on the community and is not considered a noxious odor.

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.

Mountain to Mountain Coffee anticipates no impacts on the other tenants / owners of the building or surrounding properties. The wholesale trade is anticipated to be a relatively limited operation, with the primary focus on in-house service, retail sales, on-line sales, and wholesale service to local Summit County clients. The long-range business plan is to find an additional location to focus on larger scale coffee bean roasting as the business grows. An deliveries will be similar to any other retail store, restaurant, or other similar such business.

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 proposed unit in the building currently has plumbing and electric necessary for the business. The business will apply for and perform a tenant finish to remodel the space from an office to the proposed use.

Water and Sewer Tap Fees (EQRs): once the applicant determines his build-out plans and submits for the tenant finish permit, the tap fees will be determined and will have to be paid prior to the issuance of a Building Permit. Tap fees associated with a restaurant use are based on the number of seats at a rate of 0.65 EQRs per ten (10) seats.

6. If located on an adjoining lot, the following additional criteria shall be met: the conditional use is parking or storage uses accessory to a primary single-family use.

[This criterion does not apply to the Application.]

7. If the conditional use is for wholesale trade class 1 or wholesale trade class 2, the following additional criteria shall be met:

Mountain to Mountain Coffee has applied for a Conditional Use Permit so that on-site roasting of coffee and the wholesale business may be performed from the business location in addition to the retail sale of consumables and associated products. This type of business is identified as a wholesale trade class 1, which is a Conditional Use in the Core Area (CA) zone district.

a. The proposed conditional use will not produce any noise or vibration issues that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building.

Minimal impact but confidently can say it is not significant and irregular that it wouldn't impact the neighbors and surrounding community. Only when cooling ~3 mins of a 20 min roast a slight sound could be heard from inside and outside. Never past 6pm or before 9am, Preferred time are business hours. Provide neighbors with contact info in case of problems.

b. The proposed conditional use will not produce any smells, odors or noxious fumes that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building. The proposed conditional use shall meet all applicable code requirements for ventilation and fire protection.

Slight impact but confidently can say it is not significant and irregular that it wouldn't impact the neighbors and surrounding community. Some people do like the smell, and it can be looked at as pleasant. Never past 6pm or before 9am, Preferred time are business hours. Provide neighbors with contact info in case of problems.

c. The proposed conditional use will not produce any storage, loading or delivery activities related to the storage, loading or delivery of finished products or raw materials that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building. *Only delivery for pallet of coffee once every few months. Other delivery would be the same for any other café or restaurant.*

d. The proposed conditional use will not cause its employees and vendors to occupy parking spaces intended for retail businesses within two hundred (200) feet of the business. *Deliveries are brief and there are not extensive employees for the business.*

Decision:

If the proposed development is in compliance with conditional use criteria, the Planning and Zoning Commission may approve the application. When deemed necessary to ensure that the use meets the conditional criteria for approval, the Planning and Zoning Commission may attach conditions that relate to impacts created by the proposal.

If the proposed development is not in compliance with conditional use criteria, the Planning and Zoning Commission may deny the application.

The Planning and Zoning Commission may also continue the hearing for up to thirty-five (35) calendar days for good cause, or to allow additional information and materials to be submitted that will allow for a comprehensive review. In no event may the Planning and Zoning Commission continue a hearing for more than thirty-five (35) days unless agreed to in writing by the applicant. In the event a hearing is continued, the applicant shall submit any additional materials he or she wishes the Town to consider at least ten (10) days prior to the continued hearing, unless otherwise specified by the Town.

BUDGET IMPACT:

None

STAFF RECOMMENDATION:

Town staff recommends approval of Resolution No. PZ 03-23, Series of 2023

MOTION FOR APPROVAL:

I move we approve Resolution PZ No. 03-23, Series of 2023 with conditions as presented. Additional conditions may be attached to the resolution to approve by a Commissioner initiated motion.

ACTION REQUESTED: Motion, Second, Roll Call Vote.

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

DEPARTMENT HEAD RESPONSIBLE: Ned West, AICP, Sr. Town Planner

Appendix 'A'
DMC Deficient Commercial Parking
Payment Policy

Appendix 'B'
DMC Conditional Use Permit

Appendix 'E'
Application
Letters of Support