

RESOLUTION NO. PZ 03-23
Series of 2023

**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.**

WHEREAS, the Planning and Zoning Commission of the Town of Dillon (“Planning Commission”) has received an application (the “Application”) for a Conditional Use Permit from Adrew Iwashko (the “Applicant”), to operate wholesale trade class 1 business, to be named Mountain to Mountain Coffee, in the Core Area (CA) zone district at 325 Lake Dillon Drive, Unit 101; 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 March 1, 2023, 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 use 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 March 1, 2023 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.
- C. That the use proposed in the Application is listed as a 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.
- D. That the parcel is suitable for the proposed conditional use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.
- E. That the proposed conditional use will not have significant adverse impacts on the air or water quality of the community.

- F. That 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.
- G. That adequate public utilities and services are available at the site to serve the conditional use.
- H. That the wholesale trade class 1 will not produce any noise or vibration issues that have significant adverse impacts on the community and the neighboring property owners and tenants in the multi-tenant building; 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 the multi-tenant building; 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 the multi-tenant building; and, will not cause its employees and vendors to occupy parking spaces intended for retail businesses within two hundred (200) feet of the business.

Section 2. The Planning Commission hereby approves the Application for a Conditional Use Permit to operate a wholesale trade class 1 in the Core Area (CA) zone district at 325 Lake Dillon Drive, Unit 101, subject to the following conditions:

- A. The Applicant shall enter into an agreement with the Town to pay a fee per deficient parking space. The payment(s) shall be made as set forth in the agreement.
- B. The coffee café and wholesale trade class 1 roasting of coffee beans business is limited to Unit 101 of the building located at 325 Lake Dillon Drive.
- C. The Applicant shall submit a complete, code compliant plan set for a tenant finish remodel and conversion of the office space into a café restaurant, wholesale coffee bean roasting and packaging, and retail space.
- D. The proposed conditional use shall meet all applicable code requirements for ventilation and fire protection.
- E. Upon receipt of the final plans for the proposed remodel, the Town shall evaluate the water and sewer tap fees due associated with the change in use and the Applicant shall be invoiced. The Applicant shall pay the required tap fees in full prior to the issuance of the Building Permit.
- F. Food service and preparation are approved with this Application. Food service and preparation require review and approval by the Summit County Environmental Health Department, the review and approval of the Town of Dillon, and the installation of an under-sink grease interceptor and other required kitchen installations.
- G. The Applicant shall submit an application to the Summit County Building Inspection Department for the change in use and proposed remodel work. All final inspections and approvals shall be achieved prior to occupying the premises.

- H. The Applicant shall schedule and complete a satisfactory inspection with the Summit County Environmental Health Department and schedule and complete satisfactory subsequent inspections as required.
- I. The Applicant shall submit an application to the Summit Fire & EMS fire authority and shall schedule an inspection with the fire authority prior to occupying the premises.
- J. Annual fire authority inspections shall be performed, and copies of satisfactory inspection reports shall be provided to the Town Clerk upon completion as a component of the annual Business License.
- K. The Applicant shall apply for, receive, and maintain the required annual Business License with the Town of Dillon. The Applicant shall register with the Secretary of State prior to applying for a Business License with the Town. The Business License shall be maintained, annually renewed, and visibly displayed on the premises.
- L. No dedicated parking spaces or dedicated loading and unloading zones are applied for or approved with the Application.
- M. The Town shall perform a final inspection prior to the issuance of Certificate of Occupancy.
- N. A copy of the Certificate of Occupancy shall be provided to the Town.
- O. This Conditional Use Permit approval does not supersede federal, state, or local laws as they apply to schools and accessibility in accordance with the American Disabilities Act (ADA).
- P. 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.
- Q. Building signs require application and permits issued by the Town of Dillon.

APPROVED AND ADOPTED THIS 1ST DAY OF MARCH 2023, BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

**PLANNING AND ZONING COMMISSION
TOWN OF DILLON**

By: _____
Michael Parsons, Vice Chairperson

ATTEST:

Michelle Haynes, Secretary to the Commission