

# RECORD OF PROCEEDINGS

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## TOWN OF DILLON PLANNING AND ZONING COMMISSION

REGULAR MEETING  
WEDNESDAY, July 2, 2014  
5:30 p.m.  
Town Hall

### **CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, June 4, 2014, at Dillon Town Hall. Chairman Bailey called the meeting to order at 5:32 pm. Commissioners present were: Amy Gaddis, Nathan Nosari, Jerry Peterson and Jeff Shibley. Staff members present were Ned West, Town Planner/Construction Inspector, Dan Burroughs, Town Engineer, Scott O'Brien, Public Works Director, and Debbie Wilkerson, Secretary to the Commission.

Amy Gaddis was introduced and welcomed to the Planning and Zoning commissioners.

### **APPROVAL OF THE MINUTES OF June 4, 2014**

Commissioner Nosari moved to approve the meeting minutes from June 4, 2014, with correction to one of his comments: Why don't we say that Dillon is an Alpine Lake Environment and architecture should follow lake or alpine environments? To; Why don't we say that Dillon is an Alpine Lake Environment and architecture should follow/reflect lake and/or alpine environments? Commissioner Peterson seconded the motion, which then passed with roll call vote, Commissioner Gaddis abstaining.

### **Public Comments**

No Public Comments

### **CONSIDERATION OF RESOLUTION PZ 06-14, SERIES OF 2014, (PUBLIC HEARING)**

**Consideration of Resolution PZ 06-14, Series of 2014; A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE AMENDING OF CHAPTER 16, "ZONING," ARTICLE I, "GENERAL PROVISIONS," SECTION 16-1-50 "DEFINITIONS," ARTICLE III, "ZONING DISTRICTS," SECTION 16-3-160, "COMMERCIAL (C) ZONE" AND SECTION 16-3-170, "MIXED USE (MU) ZONE," AND MODIFYING THE MATRIX TABLE AT THE END OF ARTICLE III TO ADD DEFINITIONS RELATING TO RETAIL MARIJUANA STORES AND TO MODIFY THE PERMITTED USES IN THE ZONING DISTRICTS TO INCLUDE RETAIL MARIJUANA STORES; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

The purpose of this resolution is to provide for Retail Marijuana Stores to be located as a Permitted Use in two Zoning Districts in the Town of Dillon: Sec. 16-3-160 "Commercial (C)" and Sec. 16-3-170 "Mixed Use (MU)". The resolution adds a definition of "Retail Marijuana Stores" in Sec. 16-1-50, adds Retail Marijuana Stores under the "Permitted Uses" sections of the appropriate zoning districts, and amends the matrix table "Zoning Districts Use Schedule Recap" at the end of Article III "Zoning Districts" to reflect

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the permitted use of Retail Marijuana Stores in those districts. No other type of Retail Marijuana Establishment shall be permitted in the Town of Dillon. In addition, a Medical Marijuana Center, an Optional Premises Cultivation Operation, and a Medical Marijuana-Infused Products Manufacturing Facility shall remain unlawful for a person to operate per Section 6-7-40 of the Dillon Municipal Code.

Except for these Chapter 16 references, the remaining regulations being developed for the Retail Marijuana Stores will be in Chapter 6 of the Dillon Municipal Code – “Business Licenses and Regulations”. These regulations will be considered by the Town Council at the same time that this Resolution will be considered by them, such that their concurrent adoption will cover both land use, Chapter 16, and business regulations, Chapter 6. Changes made to Chapter 6 of the Dillon Municipal Code are not reviewed by the Planning and Zoning Commission; only changes to Chapter 16, “Zoning” are reviewed by the Commission

Staff recommends approval of Resolution PZ 06-14, Series of 2014.

Commissioner Gaddis asked how many shops would be allowed to open, would we let the economics dictate how many shops were needed.

Chairman Bailey opened the Public Hearing at 5:47pm, there being no public comments the hearing was closed at 5:48 pm.

Commissioner Nosari made a motion to approve: Resolution PZ 06-14, Series of 2014; A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE AMENDING OF CHAPTER 16, “ZONING,” ARTICLE I, “GENERAL PROVISIONS,” SECTION 16-1-50 “DEFINITIONS,” ARTICLE III, “ZONING DISTRICTS,” SECTION 16-3-160, “COMMERCIAL (C) ZONE” AND SECTION 16-3-170, “MIXED USE (MU) ZONE,” AND MODIFYING THE MATRIX TABLE AT THE END OF ARTICLE III TO ADD DEFINITIONS RELATING TO RETAIL MARIJUANA STORES AND TO MODIFY THE PERMITTED USES IN THE ZONING DISTRICTS TO INCLUDE RETAIL MARIJUANA STORES; AND, SETTING FORTH DETAILS IN RELATION THERETO. Commissioner Shibley seconded the motion which then passed upon a roll call vote. Commissioner Peterson voted against the resolution.

### **Interpreting Dillon Municipal Code Language:**

Staff requests that the Planning and Zoning Commission interpret sections of the Dillon Municipal Code as they pertain to Freestanding Signs, Subdivision Entrance Signs, and Sign Zone A. This interpretation is requested in accordance with Section 16-3-10:

#### **Sec. 16-3-10. General provisions.**

(a) In order to carry out the provisions of this Chapter, the Town is hereby divided into zoning districts as described in Division 2 below. In each district, any use not expressly permitted shall be deemed excluded.

(b) Where the wording of this Chapter is not sufficiently precise to determine whether or not a particular use is permitted within a specific district, such interpretation shall be made by the Planning and Zoning Commission. Upon determination by the Planning and Zoning Commission, and if

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warranted, said use shall be added to the list of permitted uses for that district. Said determination may be appealed to the Town Council within fourteen (14) days of the Planning and Zoning Commission's decision. (Ord. 19-96 §3.01)

Staff has received an inquiry about Subdivision Entrance Signage, and the question of the permitted height, sign area, and number of permitted signs has come to light.

The Commission shall make a determination such that the Code may be clarified if warranted.

Commissioner Gaddis made a motion to affirm the Subdivision Entrance Signs, Sec.16-11-280 is to take precedence over Sec. 6-3-10(b). Chairman Bailey seconded the motion.

Ned West, Town Planner, asked the commissioners to appoint and vote for a new Chairman and Vice Chairman:

Commissioner Nosari made a motion to recommend that Commissioner Bailey remain as Chairman. Commissioner Shibley seconded the motion which then passed upon roll call vote with Commissioner Bailey abstained.

Commissioner Bailey made a motion to recommend Commissioner Nosari as Vice Chairman, Commissioner Shibley seconded the motion which then passed upon roll call vote with Commissioner Nosari abstained.

Commissioner Bailey will continue on the Cemetery Committee and join the Town Center Design Committee. Commissioner Nosari will join the Park Committee and continue with the Economic Committee.

**Discussion of Banner Sizes:** Since the November 5<sup>th</sup>, 2013 adoption of Ordinance No. 14-13, Series of 2013 by the Town Council which repealed and replaced the "Sign Regulations" (Article XI of Chapter 16), staff has received push back from members of the business community on the new temporary banner regulations. The Planning and Zoning Commission passed Resolution No. PZ 09-13, Series of 2013 on October 2, 2013, which recommended the repeal and replacement of the sign regulations to Town Council.

Staff worked with the Planning and Zoning Commission for over a year discussing the sign regulations, most specifically those regulations pertaining to temporary signs and window signs. Although every P&Z meeting is open to the public and agendas are publicly posted and noticed, very little, if any, public feedback was received.

During the spring of this year, town staff created a brochure highlighting temporary banners and some of the new regulations. Staff then began a campaign to personally engage business owners to discuss the regulations. Ned West, Town Planner, and Katie Menaugh, Dillon Police Department Community Services Officer (CSO), walked from business to business to discuss the topic. During this endeavor, numerous business owners complained that what they have always done is no longer allowed. Some of the prior activity never was allowed by The Dillon Municipal Code, such as freestanding banners and the off premises display of banners.

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One rather contentious issue is the new banners size. The new regulations reduced the banner size from 40 SF down to 24 SF. The concession by the Commission for this was to increase the time of display from 2 weeks to 3 weeks per quarter. Many business owners have complained that they spent a lot of money for a banner that they have used for years, the banner remains in good, serviceable condition, and they would like to continue to use it to advertise annual sales / events. Now to be told that the banner is not allowed and they must go through the time and cost of creating a new banner is very upsetting to the business owners, and they feel it creates an undue hardship for them.

Another common complaint is that tenants in a multi-tenant building are told that their banner must be displayed immediately attached to their tenant space, and not on another more visible and marketable portion of the building.

Although the Town does once again have a CSO, the task of tracking temporary banner permits, allotted display times, display locations, and sizes is a difficult and tedious task. The question now at hand is if the Commission might consider taking another look at temporary signage?

Commissioners want to leave the sign codes as it is and stated that the Town needs to set limits on what type of signage is allowed. They also indicated that if the business community does not like the regulations then they should come before the commission to state their grievances.

### **Other Business:**

**Street Lights** - should other areas of Town have the same lights as what is along Lake Dillon Drive or can they be similar, in height, light style, brightness. Commission felt they should be similar but not have to be the same make and model or from the same manufacturer.

Commissioners email addresses, Please check the town email you were given.

Scheduling of Legal Training, dinner will be provided.

Who is coming to the Tuesday, July 15<sup>th</sup> joint work session at 4:00 pm..

**Adjournment:** There being no further business, the meeting adjourned at 6:26 pm.

Respectfully submitted,

*Debbie Wilkerson*

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Debbie Wilkerson,  
Secretary to the Commission