

RECORD OF PROCEEDINGS

TOWN OF DILLON PLANNING AND ZONING COMMISSION

REGULAR MEETING WEDNESDAY, APRIL 1, 2015

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, April 1, 2015, at Dillon Town Hall. Chairman Brad Bailey called the meeting to order at 5:30 p.m. Commissioners present were: Amy Gaddis, Nathan Nosari, and Jerry Peterson. Jeff Shibley was absent. Staff members present were Tom Breslin, Town Manager; Dan Burroughs, Town Engineer; Carri McDonnell, Finance Director; Scott O'Brien, Public Works Director; and Ned West, Town Planner.

APPROVAL OF THE MINUTES OF DECEMBER 8, 2014 REGULAR MEETING

Commissioner Nosari moved to approve the meeting minutes for December 8, 2014. Commissioner Peterson seconded the motion, which passed unanimously.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION OF RESOLUTION PZ 01-15, SERIES OF 2015

Public Hearing

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 MODIFYING THE MATRIX TABLE AT THE END OF ARTICLE III TO ADD DEFINITIONS RELATING TO PAWNBROKERS AND PAWNSHOPS, TO MODIFY THE CONDITIONAL USES IN THE COMMERCIAL ZONING DISTRICT TO INCLUDE PAWNSHOPS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

This Resolution provides for the zoning requirements for a Pawnbroker to operate in the Town of Dillon. Due to the nature of the Pawnbroker business, and in an interest to protect the general safety and welfare of the community, the Town has determined that it is in the best interest of the citizens of the Town to enact regulations specific to the operation of a Pawnbroker's establishment, or a Pawnshop. Town staff first engaged the Planning and Zoning Commission to determine the appropriate zoning that might best suit a Pawnshop during the April 3, 2013 meeting of the Planning and Zoning Commission. The Commission voted at the April 3rd meeting, unanimously providing for Pawnshops to operate only in the Commercial (C) zoning district and only as a Conditional Use. This Resolution will recommend to Town Council the approval of an Ordinance to codify that previous determination.

This Resolution states that a Pawnbroker may only operate in the Commercial (C) zoning district, and only upon issuance of a Conditional Use Permit from the Town. The resolution also sets forth setback requirements for Pawnbrokers from adjoining uses. The setbacks presented are the same setbacks set forth in the Dillon Municipal Code utilized to provide for separation from Retail Marijuana Stores in the Town from other uses. The setbacks in general are:

RECORD OF PROCEEDINGS

- 300 feet from: a Church; Land Zoned as Parks and Open Space (POS); a residential zoning district; or a residential use unless said use is within the Mixed Use (MU) of Commercial (C) zoning districts.
- 1,000 feet from: a School; a Child Care Facility or a Child Care Center; a College Campus; a Correctional Institution, Rehabilitation Center, or Halfway House; or a Public Housing Project owned and operated by a government agency.

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Chairman Bailey opened the public hearing at 5:42 p.m. There were no public comments and at 5:43 p.m. Chairman Bailey closed the public hearing.

Commissioner Nosari moved to approved Resolution PZ 01-15, Series of 2015. Commissioner Gaddis seconded the motion which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 02-15, SERIES OF 2015

Public Hearing

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," TO MODIFY THE DEFINITIONS FOR LEVEL I, LEVEL II, LEVEL III AND LEVEL IV DEVELOPMENT; AND, SETTING FORTH DETAILS IN RELATION THERETO.

This resolution recommends changes to better suit the public's needs and staffs response time for development applications. These changes include several items which have never been addressed by the code such as decks, fences, replacement of roofs, siding, windows and doors. Staff should be reviewing these items to determine if a building permit is required.

Additionally some of the application types have been moved between the different levels to accomplish the following goals:

- 1) All single family and duplex residential development and remodels should be handled at the staff level. Public hearing process for these applications tend not to be productive.
- 2) All commercial and multi-family applications should be handled by the Planning and Zoning Commission. All external additions to commercial and multi-family buildings need to be reviewed in a public hearing format.

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Chairman Bailey opened the public hearing at 5:54 p.m. There were no public comments and at 5:55 p.m. Chairman Bailey closed the public hearing.

Commissioner Gaddis moved to approved Resolution PZ 02-15, Series of 2015. Commissioner Nosari seconded the motion which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 03-15, SERIES OF 2015

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF A CLASS I SIGN PERMIT FOR A PERMANENT INDIVIDUAL SIGN FOR THE DILLON MARINA SHOP AND STORE BUILDING LOCATED AT 150 MARINA DRIVE.

The Dillon Marina submitted a Class I Sign Permit application for an Individual Sign Permit for a permanent sign to be located on the southwestern corner of the Marina shop and store building located at 150 Marina Drive.

The proposed sign is to be a projecting sign that will be designed to swivel inward to provide unobstructed clearance for trailered boat movements in the summer, and snow removal operations during the winter months. According to Section 16-11-270, no project sign shall extend more than four (4) feet from a building wall. The proposed sign is designed to stick out from the building wall by not more than forty-eight (48) inches.

Commissioner Peterson moved to approved Resolution PZ 03-15, Series of 2015. Commissioner Nosari seconded the motion which passed unanimously.

CONSIDERATION OF RESOLUTION PZ 04-15, SERIES OF 2015

Public Hearing

A RESOLUTION APPROVING A CLASS S-2 SUBDIVISION OF LOT 16, LOT 17 AND A PORTION OF THE OPEN AREA IN BLOCK A, NEW TOWN OF DILLON SUBDIVISION, FOR THE PURPOSE OF CREATING THREE NEW PARCELS, TO BE CALLED LOTS 16R, 17A AND 17B, BLOCK A AND ADJACENT STREET RIGHT OF WAY.

The Town received a Class 2 resubdivision application from the Town of Dillon to replat lots 16 and 17 and a portion of the open area in Block A, New Town of Dillon. These existing Town-owned parcels will be replatted into new lots 16R, 17A and 17B, as well as Town Right-of-way.

The Town of Dillon is interested in reconfiguring two existing lots owned by the Town (Lots 16 and 17) and combining them with some undeveloped land along the east side of these lots to create a new 0.406 acre lot called Lot 16R. The undeveloped land between the Colorado Mountain College properties (Lots 33 through 40-A) and East LaBonte Street will be replatted into two lots: Lot 17A at 0.557 acres and Lot 17B at 0.226 acres.

Existing Lot 16 is a part of an underutilized Parking Lot B located between Main Street and Buffalo Street. Existing Lot 17 contains a portion of Parking Lot B and Main Street. Town Staff counted cars in the parking lot over the course of one year and found that the parking lot usually only sees between 5-12 cars per day. The Town proposes to reconfigure the lot into a 24' access drive with 19 parking spaces along the west end to serve the La Riva Del Lago building.

The existing lots 16 and 17 will be vacated by this plat. Main Street is currently constructed on the southern portion of existing Lot 17. The proposed plat will also create a permanent right-of-way for the east end of Main Street where it ties into E. LaBonte Street. The plat widens the right of way along the west side of proposed Lot 16R from 60' to 63'. The right-of-way to the West of Lot 16R will be used as a 24' access drive plus perpendicular parking next to the east end the La Riva Del Lago building. The Main

RECORD OF PROCEEDINGS

Street right-of-way is proposed at 60' to best accommodate the existing location of Main Street and plan for some attached sidewalks on both sides.

The subject existing properties are all currently zoned CA – Core Area. The proposed properties will also remain zoned as CA – Core Area.

A 20' access easement is reserved on the plat at the line between Lots 17A and 17B in order to provide a future mid-block pedestrian access opportunity to the Colorado Mountain College from East LaBonte Street.

This public hearing was published in accordance with public posting requirements as set forth by the Dillon Municipal Code. Chairman Bailey opened the public hearing at 6:23 p.m. The following people spoke regarding the resolution:

- Mike Caruolo, Lake Cliffe HOA President had questions for staff regarding commercial maximum square footages and parking requirements on lots 17a and 17b. Using land correctly, properly and cautiously that is available for development is a good idea. The HOA will be looking closely at any proposed development in terms of lighting that will affect homeowners. They will encourage a sidewalk be installed as part of any future project.
- Kevin Stout, property owner at LaRiva and homeowner in Town – make sure we are not adding more space for the sake of adding more space which could create more empty space. Make sure we are going to be able to fill the spaces and add to the quality of life. There are buildings that have been allowed to decay. Town seems to be a big hurry to give away our open space. Open space adds to the quality of the Town. What do we want to be? Understand we want to add development but lets not lose what we already have. The parking lot that is being considered for replatting is where the Farmers Market so where it will be able to go?
- David Asklund, CMC President – committed to staying in Dillon. This development could limit their ability to grow in the future. They may be interested in the property if no one else comes forward. The excess parking in lot B that is perceived as not needed may be needed in the future if CMC expands and with other commercial development.
- Nancy Ewing, Lodge at Lake Dillon homeowner and Dillon business owner so many buildings are worn down so why not require upgrades to those buildings instead of creating new buildings. She is a big proponent of change.
- Andy Karl, Lake Cliffe homeowner – parking lot situation is a major concern. If you take it away and develop that area there will impacts to the neighbors. Can see developing Lots 17a and 17b but think the parking lot should remain.
- Scott O'Brien, Public Works Director explained that the Town Park master plan includes plans for a Farmers Market venue and additional parking.
- Pat Bennett concerned with height of buildings and obstructing their views. Specifically bought because they like the downtown area and the feel.
- The Commissioners read letters from Barry Hardin, Susan Adams-Scott, David Scott, Richard Hughes, Martin Kyne, Carl Richard, Bob Fejes, Rabbi Joel Schwartzman and Pat Bennett.

Chairman Bailey closed the public hearing at 6:57 p.m.

Dan explained that the next step will be for the Town Council to review and consider the replat of lots 16 and 17, Block A.

RECORD OF PROCEEDINGS

- Commissioner Nosari requested additional information on the definition of open area. Dan explained that the Town Attorney has determined that it is undeveloped, unplatted land. The open area is not considered as part of the Town's parks and open space land.
- Commissioner Nosari asked if the town has used the same process for the development of open area for the Pug Ryan's expansion and the construction of Dillon Commons.
- Commissioner Peterson asked how many buildings the developer wants to build. Dan explained that there is no developer at this time.
- Commissioner Peterson concerned about putting a four story building in front of the condos. Going back in history, part of the pitch for buying and building in Dillon was that views would not be obstructed. **Recommend that lot 17a be moved**
- Commissioner Gaddis wanted to understand how the parking will work if additional commercial comes in. Dan explained how the code reads now in regards parking requirements for commercial and residential development. We are not changing the zoning, just changing where the lines are drawn.
- Chairman Bailey explained to the public what the role of Planning and Zoning Commission in terms of deciding if the replatting of the lots follows the code of ordinances and the Comprehensive Plan. Parking will always be an issue. More concerned about how slow the post office is and maybe we should change our notification requirements. When and if there is a development application there will be many opportunities for public hearings before Planning and Zoning Commission and Town Council.

Commissioner Peterson moved to approved Resolution PZ 04-15, Series of 2015. Commissioner Nosari seconded the motion which passed unanimously upon roll call vote.

DISCUSSION ITEM

Window Signage and Window Film. Ned explained that window films are becoming more popular and requested that Planning and Zoning review window films already in Town and come back at a future meeting with suggestions. The majority of the window films in Town are applied to the exterior which is not allowed in the Town code.

PROJECT AND APPLICATION UPDATE:

- a. The Town issued a Level I Development Permit for a tenant finish for a Dickey's Barbeque Pit restaurant to occupy a vacancy in the multi-tenant building at 324 Dillon Ridge Way.
- b. The Town issued a Level I Development Permit for a tenant finish for a retail marijuana store at 817 Little Beaver Trail.
- c. The Town of Dillon Official LED signs were installed on Thursday, February 19, and began displaying communications on Tuesday, February 24. First traffic notifications were displayed on Wednesday, February 25 announcing the closure of Interstate 70.
- d. The Town is moving forward with construction this summer of a new 1.5 million gallon water tank adjacent to the existing tank on County Road 51. The old tank will be removed as part of the project.

OTHER BUSINESS

The Town of Frisco has invited all Planning and Zoning Commissions to a free training session with the Department of Local Affairs.

RECORD OF PROCEEDINGS

ADJOURNMENT

There being no further business, the meeting adjourned at 7:29 p.m.

Respectfully submitted,

Carri McDonnell

Deputy Town Clerk