

# RECORD OF PROCEEDINGS

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## TOWN OF DILLON PLANNING AND ZONING COMMISSION

### REGULAR MEETING WEDNESDAY, JULY 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, July 1, 2015, at Dillon Town Hall. Commissioner Peterson called the meeting to order at 5:37 p.m. Commissioners present were: Amy Gaddis, Kyle Hendricks, and Jerry Peterson. members absent were Brad Bailey and Nat Nosari. Staff members present were Dan Burroughs, Town Engineer; Debbie Wilkerson secretary to the commission.

#### **APPROVAL OF THE MINUTES OF JUNE 3, 2015 REGULAR MEETING**

Approval of the June 3, 2015 minutes tabled to August 5, 2015 meeting.

#### **ELECTION OF CHAIRMAN OF THE PLANNING AND ZONING COMMISSION.**

Election of Chairman of The Planning and Zoning Commission tabled to August 5, 2015 meeting.

#### **PUBLIC COMMENTS**

There were no public comments.

#### **CONSIDERATION OF RESOLUTION PZ 09-15, SERIES OF 2015**

**A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF AMENDING A PLAT FOR LOTS 16R, 17A AND 17B IN BLOCK 1, NEW TOWN OF DILLON SUBDIVISION, FOR THE PURPOSE OF ADDING UTILITY EASEMENTS. PUBLIC HEARING.**

#### **SUMMARY:**

The Town has a received a Class S-2 subdivision application from the Town of Dillon to amend a Plat for Lots 16R, Lot 17A and Lot 17B in Block A, New Town of Dillon subdivision, for the purpose of adding utility easements. The Plat amendment creates easements for all of the existing utility encroachments on these three lots including, Comcast cable mains, Century Link Fiber Optic lines; Gas service and a cable service to Colorado Mountain College, XCEL electric mains and switching cabinets.

This plat does not create easements for Town owned irrigation systems, parking lot lighting and associated wiring. These items are planned to be abandoned or completely removed as part of the redevelopment of these lots.

Acting Chairman Peterson opened the public hearing at 5:39 pm, there was no public comment, public hearing was closed at 5:42 pm.

Town staff recommends approval of Resolution PZ 09-15, Series of 2015 to add utility easements to the existing lots to protect the existing utilities on those lots.

Commissioner Gaddis moved to approve Resolution PZ 09-15, Series of 2015.

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Commissioner Hendricks seconded the motion, which passed unanimously upon roll call vote.

### **CONSIDERATION OF RESOLUTION NO. PZ 10-15, Series of 2015; A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A NEW TELECOMMUNICATIONS TOWER AT 134 LAKE DILLON DRIVE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO. PUBLIC HEARING**

#### **SUMMARY:**

Towers and Antennas are regulated by Article XII, "Telecommunications Antennas and Towers." Section 16-12-70 of the Dillon Municipal Code of the Town of Dillon ("Code") requires that a new tower be approved in conjunction with a Conditional Use Permit. The concurrent Conditional Use permit for this application will be reviewed after this agenda item under resolution PZ11-15, Series of 2015. Both applications require a separate public hearing.

The Town has received a Level III Development Application for a new 60' telecommunications tower at 134 Lake Dillon Drive, Lot 1B, Block B, New Town of Dillon subdivision. The new 60' tower will replace an existing 52' tower located on the west side of the existing building located on the lot. The antennas will be moved from the existing tower to the new tower in a similar configuration.

The applicant is proposing to move the tower to the edge of the property to free up the remainder of the property for redevelopment at some point in the future. This application is being reviewed in the context that the existing building will remain at this time. The property, 134 Lake Dillon Drive, is currently under contract to be sold from the applicant to another company. An affidavit for support from the new property owner is attached for your review.

#### **DISCUSSION:**

The development proposal simply removes the 52' existing tower from its location behind the building and installs a new auxiliary building and a 60' high freestanding tower closer to the south property line. **The subject property, Lot 1B, Block B, is zoned Commercial.**

**Tower Design:** The applicant is proposing a self-supporting Rohn 65G tower with a galvanized steel finish and a concrete foundation. This type of tower will not require any guy wires for support. The Tower and its foundation will need to be designed to conform with the Summit County Building Inspection wind load and other permit requirements.

Since the tower is next door to a gas station and a Century Link switching facility, which has several types of towers and numerous antennas, the proposed tower is compatible with the existing built environment on two of the adjacent lots.

**Auxiliary Building Design:** The applicant is proposing a 6'x10' Switzer Cabinet to handle the auxiliary telecommunications equipment needed to support the antennas on the tower. This cabinet will be installed behind a 6' high wood privacy fence to screen it from view.

**Lighting:** The applicant stated in his letter (Item #16) that there will be no outside lighting.

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**Antennae Information:** The applicant provided the following information about the three antenna tenants on the tower:

- Multiple Panel Antennas for **Resort Internet**
- **KKVM** – FM1 a repeater for KKVM Vail (Nicom BKG 77FM one bay antenna)
- **K264AG Dillon** – FM translator (Nicom BKG 77FM one bay antenna)

**Parking Lot:** The applicant has reconfigured the parking lot to accommodate the ten (10) parking spaces that are required for the building. The plan shows the required 24’ drive aisle between the parking spaces as well. Two of the parking spaces will be parallel spaces installed along the east side of the lot. The accessible parking space has the required aisle. The drawing shows the accessible route to the building.

The applicant will be required to submit final design drawings prior to construction which will include contours and spot elevations to demonstrate that the accessible parking and route to the building meet code. The drawing will also need to show how drainage and snow melt from the parking lot is conveyed to the right of way, snow storage locations and indicate the landscaping required by Code for the parking lot.

**Setbacks:** The proposed site plan demonstrates that setbacks for the side yard and the front yard are met by the proposed design. The front yard is measured from the unnamed 40’ R.O.W.

Yard Type	Required (Minimum)	Provided @ Building
Front Yard	25’	30’+
Side Yard	10’	14’

**Height:** The maximum allowable height for a building in the Commercial zone is 40 feet. Code Section 16-12-80(f)(3)(a) sets the maximum height of a tower at the allowable height for the zone district plus 12’. In this case the Code allows a 52’ tower, which is the height of the permitted tower. The applicant has requested an additional 8’ in height for a total tower height of 60’.

*Code Section 16-12-80(f)(3) also allows the Town to waive the height criteria if the “Town concludes that the goals of this section are better served thereby.”*

The applicant stated in Item #30 of their letter dated 6/12/15, that the additional height would be used to accommodate additional equipment. This is why they are asking for additional height.

*Town staff believes that supporting the additional tower height could support more equipment in the future which would hopefully limit the need for an additional tower at some point in the future.*

**Co-Location Requirements:** In order to minimize the total number of telecommunications towers within the Town limits, the Town code requires Tower owners to allow co-location of other entities’ antennas on this tower. The applicant addressed this requirement in Item #20 of their letter and stated that *“The applicant would allow telecommunications competitors to use the tower subject to the parties agreeing to a lease.”* This statement satisfies the intent of the code.

As a condition of approval, the applicant will be required to finalize and sign the **Development Permit Agreement**, a draft of which is attached to this staff summary for reference. Section 3 of this agreement between the applicant, property owner and the Town, outlines the co-location requirement.

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Noah Klug, attorney speaking for the applicant, the taller the tower the more space to rent out to other vendors. The additional vertical space also opens up the additional use and potential larger range. This would help consolidate and minimize the number of towers around town, with additional antennas able to use the same tower and better facilitate the need and service to the citizens of Town.

Commissioner asked if there has been any interference with the current tower, Staff replied not any that we are aware of. Dan stated that the Fire Department doesn't have any problem with the tower, it will not have any lights on it and it doesn't require a beacon for FFA.

Acting Chairman Peterson opened the public hearing at 5:58 p.m.

Noah Klug, attorney for the applicant stated that the property is under contract to be sold. If the property is sold they will still include space for the new tower. The property easement has a lot of communication lines in it, this will bring the tower closer to easement line. They are building a new tower, not moving the old tower, they will be moving any antennas attached to the old tower to the new tower. The life expediency is forever or until a taller or bigger tower is needed. They shouldn't have any trouble putting the tower up, this isn't a big tower compared to what they normally do.

Public hearing closed at 6:03 p.m.

### **STAFF RECOMMENDATION:**

Based on the information presented staff recommends approval of Resolution PZ 10-15, Series of 2015, because the applicant appears to have complied with the intent and the requirements of the code.

The conditional use permit requirement for a communications tower will be handled under the review of Resolution PZ 11-2015 on July 1, 2015.

Commissioner Hendricks moved to approve Resolution PZ 10-15, Series of 2015 with the following conditions.

1. The concurrent Level III development application for a Conditional Use Permit (Resolution PZ 11-2015, Series of 2015) for a telecommunications tower at 134 Lake Dillon Drive is also approved by the Planning and Zoning Commission of the Town of Dillon.
2. The applicant and property owner shall enter into a Development Permit Agreement with the Town of Dillon prior to issuance of a development permit.
3. The tower foundation shall be designed by a Colorado Registered Professional Engineer to accommodate the actual soils onsite and the required wind loads. A Summit County Building Permit will be required for the Tower Installation.
4. Prior to construction, a final site and grading plan shall be prepared by a Colorado Licensed Engineer and submitted to the Town for review and approval. The plan shall include the necessary spot elevations, contours and construction details to demonstrate that the grades of the accessible route and parking space and aisle meet code, indicate drainage conveyance(s) as necessary to convey drainage to the 40' ROW and not

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through the adjacent lot(s), designate the required snow storage area for the parking lot and indicate the proposed parking lot landscaping required by code.

5. The applicant is limited to one 6'x10' auxiliary building as shown on the approved plan.
6. The tower, accessory cabinets and the auxiliary building shall be screened behind a 6' high wood privacy fence with a gate located to access the facility. Non-natural composite materials are not allowed.
7. No outside lighting shall be installed on this facility.
8. This tower is approved with the following antennas, (1) Resort Internet Panel antennas, (2) KKVM – FM1 a repeater for KKVM Vail, (3) K264AG Dillon – FM translator. The applicant is solely responsible for resolving any signal interference issues with any existing or future telecommunication facilities in the area. This zoning approval does not approve or deny any of the frequencies used by the proposed antennas and FM translators or repeaters.

Commissioner Gaddis seconded the motion, which passed unanimously upon roll call vote.

### **CONSIDERATION OF RESOLUTION PZ 11-15, Series of 2015; A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING APPROVAL OF A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER AT 134 LAKE DILLON DRIVE, DILLON, COLORADO. PUBLIC HEARING**

#### **SUMMARY:**

Towers and Antennas are regulated by Article XII, “Telecommunications Antennas and Towers.” Section 16-12-70 of the Dillon Municipal Code of the Town of Dillon (“Code”) requires that a new tower be approved in conjunction with a Conditional Use Permit. The concurrent Telecommunications Tower approval for this project was reviewed under Agenda Item 6 under Resolution PZ 10-15, Series of 2015. Both applications require a separate public hearing and approval.

The Town has received a Level III Development Application for a new 60' telecommunications tower at 134 Lake Dillon Drive, Lot 1B, Block B, New Town of Dillon subdivision. The new 60' tower will replace an existing 52' tower located on the west side of the existing building located on the lot. The antennas will be moved from the existing tower to the new tower in a similar configuration.

#### **CONDITIONAL USE PERMIT CRITERIA:**

Town Code Section 16-5-220 requires the following conditional use criteria to be evaluated as part of a telecommunications tower application:

- 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.

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- *The site is zoned Commercial (C). A telecommunications tower is specifically allowed by code section 16-12-70(a)(2), which allows this type of facility to be constructed in the Commercial Zone District.*
- The parcel is suitable for the proposed conditional use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.
- *The proposed telecommunications tower is suitable for the parcel which is relatively flat. The size, shape, location, topography, soils, slope stability, drainage, and natural features are not anticipated to be affected by the proposed telecommunications tower project.*
- The proposed conditional use will not have significant adverse impacts on the air or water quality of the community.
- *The existing site is developed with appropriate drainage and vegetation, and any areas disturbed during the project are to be re-vegetated to ensure soil stability and thus the protection of air and water quality.*
- 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.
- *The proposed telecommunications tower is actually a relocation of an existing telecommunications tower located on the same site. The proposed location of the telecommunications tower will allow the remainder of the site to be more effectively redeveloped in the future.*
- Adequate public utilities and services are available or will be made available to the site prior to the establishment of the conditional use.

*The existing site is already served by gas, electric, water, and sanitary sewer facilities. No additional utility needs have been identified by the applicant.*

### **STAFF RECOMMENDATION:**

Based on the information presented in this report, staff recommends approval of Resolution PZ 11-15, Series of 2015, because the applicant has complied with the intent and the requirements of the code.

Acting Chairman Peterson opened the public hearing at 6:09 p.m. there was not public comment, public hearing was closed at 6:10 p.m.

Commissioner Peterson moved to approve Resolution PZ 11-15, Series of 2015 with the following conditions:

1. The concurrent Level III development application for a telecommunications tower at 134 Lake Dillon Drive (Resolution PZ 10-15, Series of 2015) is also approved by the Planning and Zoning Commission of the Town of Dillon.
2. The existing 52' tower shall be removed within 30 days after the new 60' tower is installed and operational.

Commissioner Gaddis seconded the motion, which passed unanimously upon roll call vote.

**CONSIDERATION OF RESOLUTION No. PZ 12-15, Series of 2015; A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO TO RECOMMEND THE AMENDMENT OF CHAPTER 16, “ZONING,” ARTICLE V, “PLANNED UNIT DEVELOPMENT,” SECTION 16-5-110 “PUD REQUIREMENTS,” AND SECTION 16-5-120 “PUD DEVELOPMENT STANDARDS,” OF THE DILLON MUNICIPAL CODE OF THE TOWN OF DILLON, TO ADD ADDITIONAL PROVISIONS FOR PARKING LOT DESIGN AND WETLANDS BUFFER AREAS.**

**SUMMARY:**

Town Staff has been reviewing the Planned Unit Development Code (“PUD”) and is recommending the following changes to allow adjustments to wetlands buffer areas and parking lot grades through the PUD process. The PUD process allows staff to evaluate these changes for reasonableness and these changes can allow redevelopment on lots that may not otherwise be developable.

**Change to Section 16-5-110(a):** This code states what dimensional standards can be altered through the PUD process. The phrases in red would be added to the code.

- (a) The PUD development plan may establish density, height, setback, lot size, **wetlands buffer areas, parking lot design standards**, architectural, signage and landscaping standards that differ from those in the underlying zone or in this Code, provided that the standards further the objectives of the PUD regulations, the Comprehensive Plan, and the specific PUD development plan.

**Changes to Section 16-5-120:** The following new sub sections are proposed.

**(m) Wetlands Buffer Areas.** The PUD shall provide adequate wetlands buffer areas to protect the wetlands from damage during and after construction activities. The Required Wetlands Buffer Areas set forth in Section 5 of Appendix 17-C “Wetland Regulations,” of the Dillon Municipal Code of the Town of Dillon, Colorado may be reduced to a minimum of 5’ from edges of any type of wetlands area except those specifically identified as fen wetlands. The required wetlands buffer area for fen wetlands may not be any less than one hundred fifty (150) feet. In order to reduce the wetlands buffer area, the applicant must submit a written report for approval containing the following information:

- 1) A topographic survey drawing showing the delineated wetlands boundary in relation to the property boundaries and other existing surface features on the property.
- 2) The applicant must submit a copy of the accompanying wetlands delineation report.
- 3) A narrative and description on how the wetlands will be protected during and after construction, and how the proposed development will not adversely affect the health of the wetlands.
- 4) A narrative on how the wetlands buffer area and the wetlands will not be utilized for the storage of snow removed from buildings, streets, sidewalks and parking areas and what steps they will take to ensure compliance with their tenants and snow removal personnel. This narrative should also include a discussion on how snow melt and storm runoff from these areas will be handled to protect the wetlands area.

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- 5) A narrative on how the proposed development conforms with any current restrictions or conditions of approval put on a particular wetlands by the Town or any State or Federal governmental agency. In some cases final approval from a federal government agency may be required.

*Sub section (m) allows for the Wetlands Buffer Area (WBA) to be reduced down to as little as 5'. The current 50' and 75' WBAs does not allow development on the lots next to the wetlands at Dillon Ridge Marketplace. The developer says that only a 5' buffer will allow for these lot to be developed with enough parking to support restaurants. This gives the Town a good tool to help develop the Dillon Ridge lots plus the lots along Little Beaver Trail next to Straight Creek. The current 50' and 75' wetlands buffer areas are onerous on all of these lots. The PUD gives the Town a tool to encourage development plus this process allows for working out a permanent protection mechanism for the wetlands, which would be part of the development agreement in perpetuity.*

**(n) Parking Lot Design Standards.** The PUD shall provide parking lot grades that are suitable for use in Dillon's severe snow and ice climate. Parking lot grades may be increased beyond the maximum requirements outlined in Section 16-6-60 of the Dillon Municipal Code of the Town of Dillon, Colorado, if the owner provides a written statement justifying the reasonableness of the grades proposed in the PUD proposal and includes language holding the Town of Dillon, its officers and employees, harmless from any adverse effects and claims arising from the steeper grades.

*Sub-section (n) allows for steeper parking lots in excess of the 4% maximum code requirements. The Dillon Ridge marketplace parking lot as is, was constructed with slopes in the 5%-6% neighborhood...so those have proven to work in years past. One developer has spoken with staff about allowing a steeper parking lot slope as part of their redevelopment to match the slope of the existing adjacent road which is in the 5-6% range. This allows the developer to put an access to the street at each end, without excessive ramp slopes and minimizes retaining walls.*

### **STAFF RECOMMENDATION:**

Town Staff recommends approval of Resolution PZ 12-15, Series of 2015.

Acting Chairman Peterson moved to table agenda #8 resolution PZ12-15 Series of 2015 until the August 5, 2015 regularly scheduled meeting. No public hearing was held.

Commissioner Gaddis seconded the motion, approved by vote of a majority of the members present.

### **TOWN CENER STANDARDS DISCUSSION.**

The commissioners had a brief discussion about how to move forward with the work that has been done and create a simple checklist for developers to follow.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

*Debbie Wilkerson*

Debbie Wilkerson  
Secretary to the Commission