

**RECORD OF PROCEEDINGS**

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**TOWN OF DILLON  
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING  
WEDNESDAY, AUGUST 5, 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, August 5, 2015, at Dillon Town Hall. Chairman Bailey called the meeting to order at 5:34 p.m. Commissioners present were: Amy Gaddis, Kyle Hendricks and Nat Nosari, Jerry Peterson was absent. Staff members present were Ned West, Town Planner, Town Inspection Engineer; Scott O'Brien, Public Works Director, Debbie Wilkerson Secretary to the Commission.

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

Commissioner Nosari motioned to approve the minutes from the June 3, 2015 meeting. Commissioner Gaddis seconded the motion, which passed unanimously upon roll call vote.

**APPROVAL OF THE MINUTES OF JULY 1, 2015 REGULAR MEETING**

Chairman Bailey motioned to postpone the approve of July 1, 2015 minutes, Commissioner Nosari Seconded the motion, which passed unanimously upon roll call vote.

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

Commissioner Nosari nominated Commissioner Bailey to continue as Chairman of the Planning and Zoning Commission. Commissioner Gaddis seconded the nomination, which passed unanimously upon roll call vote. Chairman Baily nominated commissioner Nosari to continue as Vice Chairman of the Planning and Zoning Commission. Commissioner Gaddis seconded the nomination, which then passed unanimously upon roll call vote.

**PUBLIC COMMENTS**

There were no public comments.

**CONSIDERATION OF RESOLUTION PZ13-15, SERIES OF 2015**

**A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL A CLASS S-1 RESUBDIVISION OF LOT E AND PORTIONS OF THE PUBLIC AREA, PARKING AREA AND OPEN AREA IN BLOCK A, NEW TOWN OF DILLON SUBDIVISION, FOR THE PURPOSE OF CREATING NEW PARCELS, TO BE CALLED LOTS SW-1,SW-2, SW-3, SE-1, SE-2, SE-3, SE-4, NE-1, NW-1, NW-2 AND NW-3, BLOCK A AND DEDICATING STREET RIGHT OF WAY AND PUBLIC AREAS ADJACENT TO THESE PARCELS IN DILLON, COLORADO. PUBLIC HEARING.**

**SUMMARY:**

The Town has a received a Class S-1 application for the re-subdivision of Lot E and portions of the Public Area, Parking Area and Open Area in Block A, New Town of Dillon subdivision, for the purpose of creating new parcels, to be called Lots SW-1,SW-2, SW-3, SE-1, SE-2, SE-3, SE-4, NE-1, NW-1, NW-2 and NW-3, Block A and dedicating street Right of Way and public areas adjacent to these parcels.

## RECORD OF PROCEEDINGS

---

### DISCUSSION:

The Dillon Town Council has directed staff to create development opportunities within the Town Center (Block A) in an effort to promote the revitalization of this important part of the Town.

Between February of 2014 and February of 2015 Town Staff conducted a parking study in the Town Center. The number of vehicles parked in each lot was counted at different times of the day and on different days of the week. The Town gathered 188 data points (days of data) and observed that not more than 280 of the parking spaces are typically used at the same time. There are 518 parking spaces in the study area. Town Staff took this data and developed a program to maintain over 90% of the parking in the Town Center by reconfiguring some of the parking lots and at the same time creating some new lots that future buildings could be built on.

Based on this information, the Town of Dillon is interested in reconfiguring portions of the parking areas and undeveloped land in the Town Center into 11 new parcels. Since Block A already has parcels labeled in a series of numbers and a series of letters, the new lots were named with the compass ordinal directions. Once created, the Town intends to transfer the properties to the Dillon Urban Renewal Authority (DURA). The DURA would put out a request for proposals for each of the lots and see if there is any interest in the development community. The new lots are shown on two separate plats as follows:

#### DILLON MAIN STREET LOTS:

This plat creates four lots along the south side of Main Street and the Main Street Right of Way between Lake Dillon Drive and Fiedler Avenue. Up to this point, Main Street has never been a platted right of way. The proposal would straighten out Main Street between Fiedler Avenue and Lake Dillon Drive and install parallel parking on both sides of the street in order to replace some of the parking lost by the proposed developable lots. See the attached drawings.

**Lot NE-1** sits at the southwest corner of the Main Street and Fiedler Avenue intersection. This 5,624 square foot (76'x74') lot is proposed to occupy a portion of Parking Lot E. As shown on the attached **Parking Lot 'E'** plan, the parking lot can be reconfigured into an "L" shape and the parking can be increased from 19 spaces to 44 spaces. ***This development of course assumes that the existing building on Lots L, M and N would be demolished prior to development of Lot NE-1.*** Additional parallel on street parking would be constructed next to Lot NE-1 on Main Street and Fiedler Avenue. Alternate configurations could be developed should the building remain.

**Lot NW-1** sits along Lake Dillon Drive between Main Street and Village Place. This parking lot will occupy the present location of parking lot 'D'. The 12 spaces from parking lot 'D' will be moved to Village Place which would be reconfigured as a one-way street with diagonal parking on both sides increasing the Village Place parking count from 20 spaces to 38 spaces. Lot NW-1 would be 10,374 square feet and would create a prime retail opportunity on Lake Dillon Drive.

**Lots NW-2 and NW-3** sit along the south side of Main Street between Lake Dillon Drive and Schroeder Avenue. Each lot is 80'x41' and contains 3,283 square feet. Nine parallel parking spaces are proposed on the south side of Main Street in front of these buildings, and an additional 2 accessible spaces would be built off Schroeder Avenue next to Lot NW-3. These 11 spaces would replace the 10 parking spaces in Parking Lot C that the new buildings will sit on.

#### DILLON EAST LABONTE LOTS:

## RECORD OF PROCEEDINGS

---

This plat creates seven lots along the north side of East LaBonte Street between Lake Dillon Drive and Fielder Avenue. The proposal widens the LaBonte Street right-of-way from 60' to 69' in order to allow for parallel parking on both sides of the street and a new 12' wide sidewalk between the new lots and the parallel parking on the north side of the street.

**Lot SE-1** sits at the northwest corner of the LaBonte Street and Fiedler Avenue intersection. This 4,508 square foot lot is proposed to occupy a portion of Parking Lot I. The parking lot can be reconfigured into an "L" shape and the parking would be decreased from 52 spaces to 39 spaces. An additional 5 parallel parking space would be constructed on Fielder Avenue and LaBonte Street adjacent to the lot so the net loss would only be 8 parking spaces. Historically this parking lot typically only needed between 20-30 spaces most of the day and at peak times needed upwards of 40 spaces. It should be noted that the parallel parking on the south side of LaBonte Street is seldom used.

**Lots SE-2 and SE-3** are created in case a developer wants to use more of the parking lot for a proposed development and provide public underground parking in exchange for the land as an option.

**Lot SW-1** sits at the northeast corner of the Lake Dillon Drive and LaBonte Street intersection. This 8,046 square foot lot is proposed to occupy a portion of Parking Lot G. The parking lot can be reconfigured into an "L" shape and the parking would be decreased from 50 spaces to 45 spaces. An additional 8 parallel spaces would be built along the adjacent streets for a total of 52 spaces or a net gain of 2 spaces. Historically this parking lot sees about 20-40 cars a day. This premium corner lot will hopefully develop as a prime commercial, retail and restaurant complex.

**Lots SW-2 and SW-3** are created in case a developer wants to use more of the parking lot for a proposed development and provide public underground parking in exchange for the land as an option.

**Lot SE-4** is created so a master developer could perhaps utilize all the SE and SW lots and combine them with Parcel D to create a new master development from Lake Dillon Drive all the way to Fiedler Avenue.

### ZONING:

The existing properties are all currently zoned CA – Core Area.

The proposed properties will also remain zoned as CA – Core Area.

The purpose of the Core Area Retail Zone is restated below from Town Code Section 16-3-150(1):

*Purpose. The purpose of this zone is to preserve and enhance areas within the commercial core of the community for concentrated retail sales and businesses that will serve the pedestrian shopper. This district is the retail, commercial and entertainment core of the community for both visitors and residents. The intent is for this area to be a dominant retail and entertainment center, and thus more intensive development of the area is encouraged than elsewhere in the community. Core Area uses should be buffered from surrounding areas to minimize adverse impacts. The intent is to create a pedestrian environment with automobile access encouraged in the peripheral areas through parking lots or structures. Wholesale trade class 1 uses may be allowed as a conditional use upon a finding that the aesthetic, environmental and noise impacts to adjacent uses are minimal. Multi-family residential dwelling unit uses are allowed in this district as a permitted use if located above the ground floor level, or as a conditional use on the ground floor level if such conditional use is approved as part of a separate PUD application and approved*

## RECORD OF PROCEEDINGS

---

*PUD plan. Design, landscaping and signage should complement the intimate character of this area as a retail and entertainment center.*

### CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The proposed subdivision is in conformance with the adopted Comprehensive Plan and encourages the redevelopment of underutilized parcels within the Town Center/Core Area. That vision from page 6-4 of the Comprehensive Plan is restated below:

*Town Center. The Dillon Town Center was improved by the community in the early to mid-1990 through extensive streetscape and street improvements. The Town needs to continue to build on these improvements and encourage private investment in the Town Center that will strengthen the economic climate in downtown Dillon. The Leland Study and the Dillon Town Center Vision and Direction report both recommended the formation of an Urban Renewal Authority. The formation of an Urban Renewal Area encompassing the Town Center areas will provide funding mechanisms for incentives to promote redevelopment of outdated and underused commercial spaces, as well as provide an opportunity to develop housing for year round residents. The key to revitalization will be to bring more people for longer periods of time to the Town Center to dine, shop, and enjoy public spaces and spectacular views.*

### **STAFF RECOMMENDATION:**

In the interest of creating potential development opportunities in the Town Core, Town Staff recommends approval of the application for Resolution PZ 13-15 to create new development opportunities with the Town Center.

Chairman Bailey opened the public hearing at 6:15 pm

Commissioner Hendricks read two letters, one from Dan Burnett and one from Peter W. Rietz. Both opposing the RESOLUTION PZ13-15, SERIES OF 2015 A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL A CLASS S-1 RESUBDIVISION OF LOT E AND PORTIONS OF THE PUBLIC AREA, PARKING AREA AND OPEN AREA IN BLOCK A, NEW TOWN OF DILLON SUBDIVISION, FOR THE PURPOSE OF CREATING NEW PARCELS, TO BE CALLED LOTS SW-1,SW-2, SW-3, SE-1, SE-2, SE-3, SE-4, NE-1, NW-1, NW-2 AND NW-3, BLOCK A AND DEDICATING STREET RIGHT OF WAY AND PUBLIC AREAS ADJACENT TO THESE PARCELS IN DILLON, COLORADO. They both feel there is not enough parking now and if you proceed with this resolution there will be even less parking.

The following individuals present at the Planning and Zoning meeting spoke in opposition to this resolution:

Mark Richman, 400 Pitkin Street, Frisco and Dillon business owner;

Collee Richman, 400 Pitkin Street, Frisco and Dillon business owner;

Eddie O'Brien, Silverthorne Resident, Dillon property and business owner;

Mike Orlin, 44 Cascade, Silverthorne and Dillon property owner at 130 Main Street;

Travis Holton, 1168 Royal Buffalo Dr, Silverthorne resident and Dillon business owner.

Chairman Bailey closed the public hearing at 6:30 pm.

Chairman Bailey stated he knows what was present seems very aggressive, but Town will still have time to talk and plan what it is going to do with the Town Core area.

Commissioner Nosari made a motion to approve Resolution PZ 13-15, Series of 2015 as stated and as presented, Commissioner Gaddis seconded the motion, which passed unanimously upon roll call vote.

Planning and Zoning meeting took a break 7:00 pm to 7:10pm

**CONSIDERATION OF RESOLUTION 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. PUBLIC HEARING**

**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.

## RECORD OF PROCEEDINGS

---

- 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.
- 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.*

### **DISCUSSION – WETLANDS BUFFERS:**

The Army Corp of Engineers only approves the delineation of wetlands. Once the boundary is set they do NOT have an additional buffer requirement. It should be noted that in many cases, an applicant can remove up to 0.50 acre of wetlands under what is called the "Nationwide Permit" and not have to mitigate the wetlands lost in this process. Typically when wetlands are removed in this scenario, every bit of the 0.5 acre of developable land created is used for development.

The Wetlands Buffer Areas (WBA) are created in the Town's code to create a general framework for a property owner to work with which would allow development and at the same time not involve any thought on the part of the property owner as to how they would affect the wetlands.

## RECORD OF PROCEEDINGS

---

Through the proposed PUD process, the Town can allow development closer to a wetlands area and at the same time protect the wetlands by dictating certain design parameters and creating binding long term wetlands maintenance rules to protect the wetlands through the PUD agreement.

The other communities in Summit County have the following wetlands buffers:

- The Town of Breckenridge does not have a Wetland Buffer Area regulation. They promote wetlands preservation through their subdivision process.
- The Town of Silverthorne has a very complicated buffering process. The inner buffer is between 10 and 25 feet, and the outer buffer is an additional 0-100 feet. These buffers are determined through a multitude of requirements.
- The Town of Frisco does not have a wetlands buffer definition in their code.
- Summit County has a 25 foot setback prohibiting soil disturbance and structures within the setback. However they will allow work/structures in the setback with an approved mitigation plan or allow development in the setback in cases where there is “no practicable alternative.”

In summary, most of the surrounding communities strive to protect wetlands, but offer a mechanism to allow for a discussion as to what is appropriate for a specific wetlands case. Town staff is simply asking for a similar tool in order to evaluate each project in the context of how development can be maximized while at the same time protecting the wetlands.

### **STAFF RECOMMENDATION:**

The Town is simply trying to create tools which will allow staff to work with developers to develop more difficult sites, and when necessary, create a set of binding conditions through a PUD agreement that will help ensure the health & welfare of the wetlands.

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

Chairman Bailey opened the public hearing at 7:21 pm, No public comment, Chairman Bailey closed the public hearing at 7:22 pm

Commissioner Nosari made a motion to approve RESOLUTION 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, as presented, Chairman Bailey seconded the motion, Which passed upon roll call vote with Commission Gaddis opposing.

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

Dickey BBQ is ready to open.

Native Roots, the 2<sup>nd</sup> retail marijuana store is now open, the 3<sup>rd</sup> marijuana store is still doing remodeling.

## RECORD OF PROCEEDINGS

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There is a lot of remodeling going on all over Town properties.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

*Debbie Wilkerson*

Debbie Wilkerson

Secretary to the Commission