

RESOLUTION NO. PZ 10-16
Series of 2016

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR RESIDENTIAL USE IN THE COMMERCIAL ZONING DISTRICT ON LOTS 1, 1A, 1B AND 1C, BLOCK B, NEW TOWN OF DILLON SUBDIVISION, LOCATED AT 122, 134, AND 176 LAKE DILLON DRIVE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Town of Dillon has received a Level III development application for a Conditional Use Permit for a residential use in the Commercial (C) zoning district at 122, 134, and 176 Lake Dillon Drive, Dillon, Colorado; and

WHEREAS, following the required notice, a public hearing was held on December 7, 2016, before the Planning and Zoning Commission of the Town of Dillon on a Conditional Use Permit application for a residential use located at 122, 134, and 176 Lake Dillon Drive, Dillon, Colorado, more specifically know as Lots 1, 1A, 1B and 1C, Block B, New Town of Dillon Subdivision.

WHEREAS, following the public hearing the Planning and Zoning Commission of the Town of Dillon has made certain findings of fact regarding the application; and

WHEREAS, the Planning and Zoning Commission of the Town of Dillon has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the proposed development should attach to the approval of the application for the Level III conditional use permit.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. That the Planning and Zoning Commission of the Town of Dillon, following the required notice, held a public hearing on December 7, 2016, on the application for a Conditional Use Permit for a residential use configured as a live / work unit in the Commercial (C) zoning district at 707 E. Anemone Trail, Unit 3, Dillon, Colorado, and following said public hearing makes the following findings of fact:

A. That the application for the conditional use permit for a residential use in the Commercial (C) zone is complete.

1. *The application details the location of the proposed residential units in the upper levels of the proposed mixed use building.*

2. *The applicant has provided supporting documentation detailing relative square footages of commercial and residential uses in the building, provided a parking analysis indicating that they believe adequate parking exists, and provided additional information in support of the Conditional Use Permit.*

B. That the proposed Conditional Use meets the general criteria set forth in Chapter 16 “Zoning”, Article III “Zoning Districts”, of the Dillon Municipal Code of the Town of Dillon, Colorado, as stipulated in Section 16-3-160 Commercial (C) Zone, Section 4 “Residential uses”:

1. A Conditional Use Permit for the proposed residential use in the existing Crossroads at Lake Dillon is consistent with the zoning provisions of the Commercial (C) zoning district.
 - a. *Residential uses are permitted in the Commercial (C) zoning district upon issuance of a Conditional Use Permit.*
 - b. *Other aspects of the project having commercial components are compatible with the Commercial (C) zoning district.*
2. The residential uses do not exceed forty percent (40%) of the square footage of the total project nor exceed fifty percent (50%) of the square footage of any one (1) building within a project.
 - a. *The proposed residential use areas comprise approximately 25,381 square feet of the 128,800 square foot total building area. The residential use areas used in the calculation include the residential decks attached to the majority of the units. The residential uses in the building are therefore 19.7% of the square footage of the total project. This falls below the threshold provided by the Dillon Municipal Code of 40% maximum residential use for a project in the Commercial (C) zone.*
 - b. *The criteria for a maximum of 50% residential use for any one building well exceeds the 19.7% residential use proposed in the building.*
3. The residential uses are located either above the first floor or, if located on the first floor, do not occupy, in the determination of the Commission, a primary building facade, which is generally those facades that face the primary commercial parking lot intended to serve the project, or face public rights-of-way from which pedestrian access to the commercial or other approved primary uses is provided.
 - a. *The proposed residential use does not occupy the primary façade of the building on the first floor; the residential use is dedicated to Levels 3, 5, and 6 of the building.*
 - b. *Private residential access points, lobbies, and elevators are provided for the residential use, and do not occupy the primary*

façade or area of the proposed hotel lobby and conference center on the first level.

4. The residential uses are provided with private yards or outdoor open space areas, a minimum of two hundred (200) square feet in size per unit, located immediately adjacent to the residential units. This may be on-grade or provided through the use of decks and/or balconies.
 - a. *The three (3) employee housing units on Level 3 do not have private decks / balconies; they are afforded access to the 6,191 square foot Recreation Deck on Level 3. This is a condition of approval of the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*
 - b. *Of the eighteen (18) residential units on Level 5, sixteen (16) are provided with an average deck / balcony size of approximately 177 square feet of private space immediately adjacent to their units. This is determined by dividing the provided deck area of 2,846 square feet, by the sixteen (16) units on that level that are provided decks. These are multi-bedroom units, which are also afforded access to the 6,191 square foot Recreation Deck on Level 3. This is a condition of approval of the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*
 - c. *Two (2) one-bedroom / studio units on Level 5 are not provided private decks / balconies; they are afforded access to the 6,191 square foot Recreation Deck on Level 3. This is a condition of approval of the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*
 - d. *The two (2) residential units on Level 6 are provided with a total of 973 square feet of private decks / balconies, providing an average private open space area of 487 square feet. These residents are also afforded access to the Recreation Deck on Level 3, in accordance with Resolution PZ 09-16, Series of 2016.*
5. Parking for the residential uses shall be distinct from any other parking on-site, shall be in a separate area whenever possible and shall be signed for the use of the residents only. No required residential parking may be off-site, nor shall its construction be deferred to a later date.
 - a. *The project proposes one (1) dedicated vehicle parking space per residential unit.*
 - b. *The number of dedicated residential parking spaces proposed is less than that required by the Dillon Municipal Code, which is a deviation from the underlying zoning district through the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*

C. That the proposed Conditional Use meets the criteria set forth in Article V “Planned Unit Development”, Division 3 “Conditional Uses”, Section 16-5-220 “Conditional Use Criteria”, as follows:

1. The use 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.
 - a. *The use is listed as a Conditional Use in the Commercial (C) zone. The Comprehensive Plan supports mixed-use projects and more intensive development along U.S. Highway 6. The hotel use, conference center, and restaurant uses are consistent with the purpose and permitted uses of the Commercial (C) zoning district. Multi-family residential uses are listed as a conditional use in the zoning district, so long as the proposed density is similar to that of the Residential Medium (RM) zoning district which has densities ranging from six (6) to fourteen (14) units per acre. The proposed twenty-three (23) residential units sited on the 1.5 acre project site is two (2) units greater than this density. The concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD provides for higher density as part of this proposed mixed-use development.*
2. The parcel is suitable for the proposed Conditional Use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.
 - a. *The site is already developed with several buildings and parking lots.*
 - b. *The size and shape of the project site has been designed for optimal utilization of the property. The size constraints of the property have been optimized by seeking a deviation from the required setbacks through the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*
 - c. *The proposed project has new drainage and landscaping improvements which will enhance the site.*
 - d. *Topography and slope stability are not anticipated to cause the site to be unsuitable, as the site is relatively gently sloping and there is no indication of soil instability at the current time.*
 - e. *The developer will have to legally remove the existing underground storage tanks on site and, if necessary, mitigate the soil in accordance with federal regulations.*
3. The proposed Conditional Use will not have significant adverse impacts on the air or water quality of the community.

- a. *It is anticipated that the proposed project will not have any significant adverse impacts on the air or water quality of the community.*
 - b. *The project requires demolition of buildings that may contain asbestos. The PUD Agreement requires proper mitigation and legal disposal of all contaminated materials prior to the demolition of any structures.*
 - c. *As referenced in subsection 2 above, the existing underground fuel storage tanks will require removal and soil mitigation if necessary, in accordance with state and federal laws, to ensure the protection of air and water quality.*
4. 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.
- a. *The proposed Conditional Use of residences on upper levels of the proposed building in the Commercial (C) zoning district are not anticipated to substantially limit, impair, or preclude the use of surrounding properties.*
5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the Conditional Use.
- a. *All required utilities and services are in place, or can be made available to the site.*
 - b. *All required utilities would need to be in place prior to the issuance of a Certificate of Occupancy for the project, and thus prior to the establishment of the Condition Use residences.*

D. That Conditional Use Permits shall transfer in ownership and thus run with the land in accordance with Section 16-5-250 of the Dillon Municipal Code.

Section 2. That the Planning and Zoning Commission of the Town of Dillon does hereby approve a conditional use permit for a residential use in the Commercial (C) zoning district at 122, 134, and 176 Lake Dillon Drive, Dillon, Colorado with the following conditions:

- 1. The residential parking spaces shall be dedicated and distinct for the residential users in the building.
- 2. No residential use may occupy the lower level of the building.
- 3. All residential occupants are to be afforded access to the Recreation Deck on Level 3 as all, or part, of their dedicated open space.

**APPROVED AND ADOPTED THIS 7th DAY OF DECEMBER, 2016 BY
THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON,
COLORADO.**

**PLANNING AND ZONING COMMISSION,
TOWN OF DILLON**

By: _____
Nathan Nosari, Chairperson

ATTEST:

By: _____
Corrie Woloshan, Secretary to the Commission

**PLANNING AND ZONING COMMISSION ACTION ITEM
STAFF SUMMARY
December 7, 2016 PLANNING AND ZONING COMMISSION MEETING**

DATE: December 1, 2016

AGENDA ITEM NUMBER: 7

ACTION TO BE CONSIDERED:

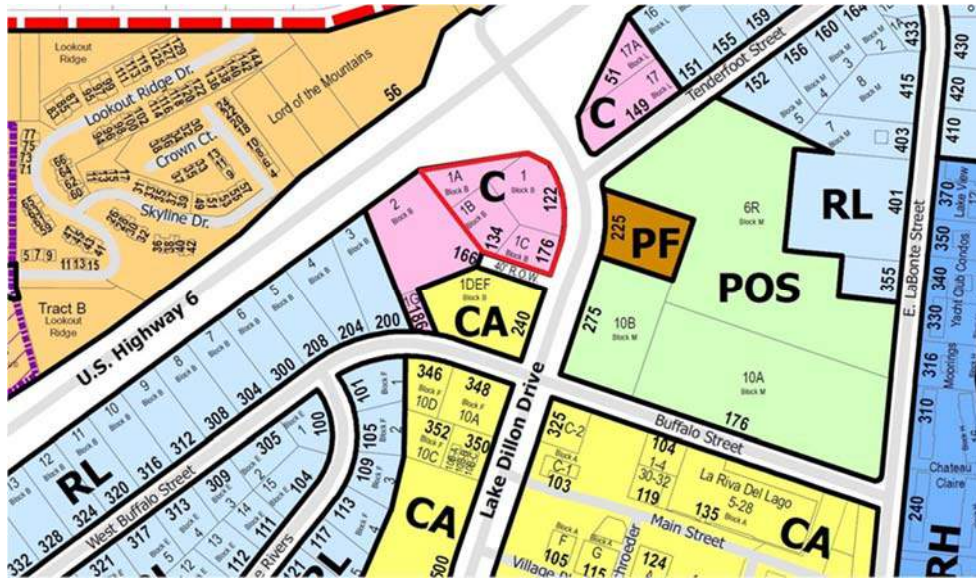
Consideration of a Resolution No. PZ 10-16, Series of 2016: **A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT FOR RESIDENTIAL USE IN THE COMMERCIAL ZONING DISTRICT ON LOTS 1, 1A, 1B AND 1C, BLOCK B, NEW TOWN OF DILLON SUBDIVISION, LOCATED AT 122, 134, AND 176 LAKE DILLON DRIVE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

PUBLIC HEARING.

SUMMARY:

The Town received a Level III Development application from the Developers of the proposed Crossroads at Lake Dillon Drive PUD project at 122, 134, and 176 Lake Dillon drive. A conditional use permit is required for residential uses in the Commercial (C) zoning district.

This application is running concurrently with Resolution PZ09-16, Series of 2016 for a Planned Unit Development (PUD) approval for the project. Code requirements varied by the PUD are detailed in that document, staff summary, and PUD Agreement.



Crossroads at Lake Dillon Vicinity Zoning Map

Project Overview:

Zoning:

Commercial (C) per the adopted 2013 Town of Dillon Zoning Map:

Current Land Use:

Currently the parcel has a mix of uses on the proposed project site. A gas station and convenience store are located on Lot 1. Old Town Hall, located on Lot 1C was utilized as a performing arts center prior to the current use as office space for the non-profit High County Conservation Center (HC3). The Old Rebekah Lodge on Lot 1B is used for radio broadcasting and by a barbeque and catering business. Lot 1A is landlocked vacant land.

Proposed Residential Units and Open Spaces:

Residential use in the Commercial (C) zoning district require a Conditional Use Permit, and an application is running concurrently with this PUD application. The underlying Commercial (C) zoning district requires that two-hundred (200) square feet of private open space be provided immediately adjacent to the units. The development provides twenty-three (23) residential units on Levels 3, 5, & 6; however some are not provide with private open space / decks. In addition, residential uses in the underlying zoning district are limited to 21 units for this size proposed parcel (1.501 acres) through the Conditional Use Permit process based on the specified density of the Residential Medium (RM) zoning district that has a maximum density of fourteen (14) units per acre.

The Code provides the following requirements for Residential uses in the Commercial zoning district:

Sec. 16-3-160. - Commercial (C) Zone. (excerpt)

(3) Conditional uses. The following uses and their accessory uses may be permitted if in conformance with the intent of this Chapter, subject to the provisions of Article V, Division 3, and after an appropriate review has been conducted:

c. Multi-family dwelling units at the density established for dwelling units within the RM zone.

(4) Residential uses. Residential uses shall only be allowed as conditional uses if they meet the following standards and criteria:

a. The residential uses do not exceed forty percent (40%) of the square footage of the total project nor exceed fifty percent (50%) of the square footage of any one (1) building within a project.

b. The residential uses are located either above the first floor or, if located on the first floor, do not occupy, in the determination of the Commission, a primary building facade, which is generally those facades that face the primary commercial parking lot intended to serve the project, or face public rights-of-way from which pedestrian access to the commercial or other approved primary uses is provided.

c. The residential uses are provided with private yards or outdoor open space areas, a minimum of two hundred (200) square feet in size per unit, located immediately adjacent to the residential units. This may be on-grade or provided through the use of decks and/or balconies.

d. Parking for the residential uses shall be distinct from any other parking on-site, shall be in a separate area whenever possible and shall be signed for the use of the residents only. No required residential parking may be off-site, nor shall its construction be deferred to a later date.

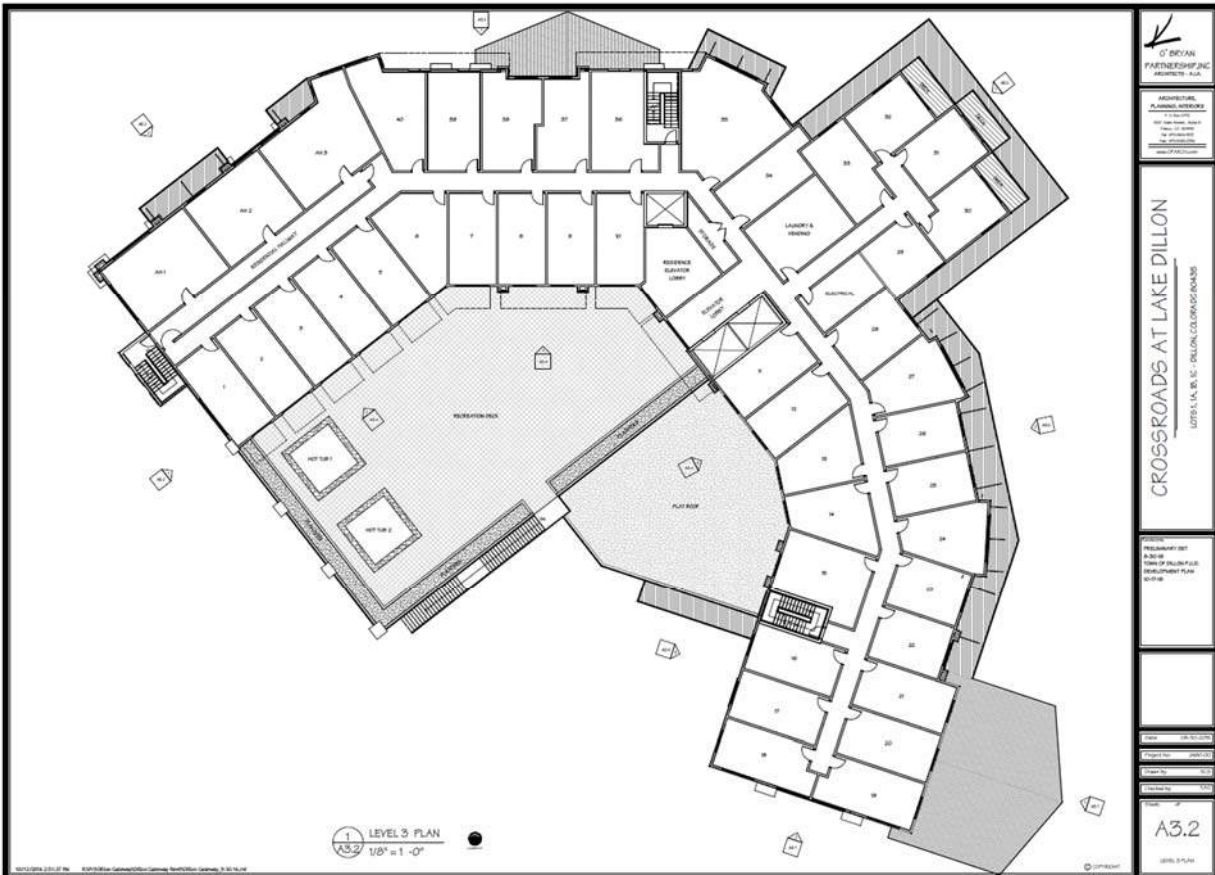
The Developer requests the Code provision for the private residential open space and unit per acre density be varied through the PUD. The following table presents the residential areas, the private open space provided, and the residential unit density per acre:

Level 3			
	<u>Units</u>	<u>Total Sq Ft</u>	
Employee Housing (1 Bedroom)	3	2,233	
Private Decks:	0		
Recreation Deck		6,191	
Level 5			
3 Bedroom Residential Units	8		
2 Bedroom Residential Units	8		
1 Bedroom Residential Units	2		
Level 5 Subtotal :		14,781	<u>Average Open Space Area (Sq Ft)</u>
16 Private Decks:		2,846	178
Common Space:		2,657	
Level 6			
Residential Units	2	4,548	
Private Decks:		973	487
Total Residential Use Area:	23	34,229	
Total Residential Unit Interior Areas:		21,562	
Total Building Area:		128,800	
Residential Use area as a percentage of the building area:		27%	
Open Space:			
Total Private Decks:	18	3819	212
Residential private deck areas as a percentage of the total interior residential unit areas:		18%	
Private Deck Underlying Zoning Requirements*:	23	4,600	200
Total Above Grade Open Space with Common Recreation Deck:		10,010	
Residential Units:	23		435
Above Grade Open Space areas as a percentage of the interior residential unit areas:		46%	
Units per Acre	<u>Units</u>	<u>Project Acres</u>	<u>Units per Acre</u>
Proposed Residential Units:	23	1.501	15.3
Underlying Zoning Requirements*:	21	1.501	14
Number of Higher Density Units:	2	1.501	1.3
*Residential in C zone requires RM density			

Level 3. Three (3) apartments dedicated for employees of the project. The PUD Agreement binds the Developer to this dedication. The employee housing units are sited in the northwestern corner of the building on Level 3, and comprise 2,233 square feet of that level. The three (3) residential apartment units are separated from the hotel use by a private, limited access hallway.

As a condition of the Conditional Use Permit, residential uses are to be provided two-hundred (200) square feet of private open space immediately adjacent to the units. The units are not provided private decks directly adjacent to them, but are afforded access to the 6,191 square foot Recreation Deck on that level. The recreation deck is available to both hotel guests and residents in the building, and the

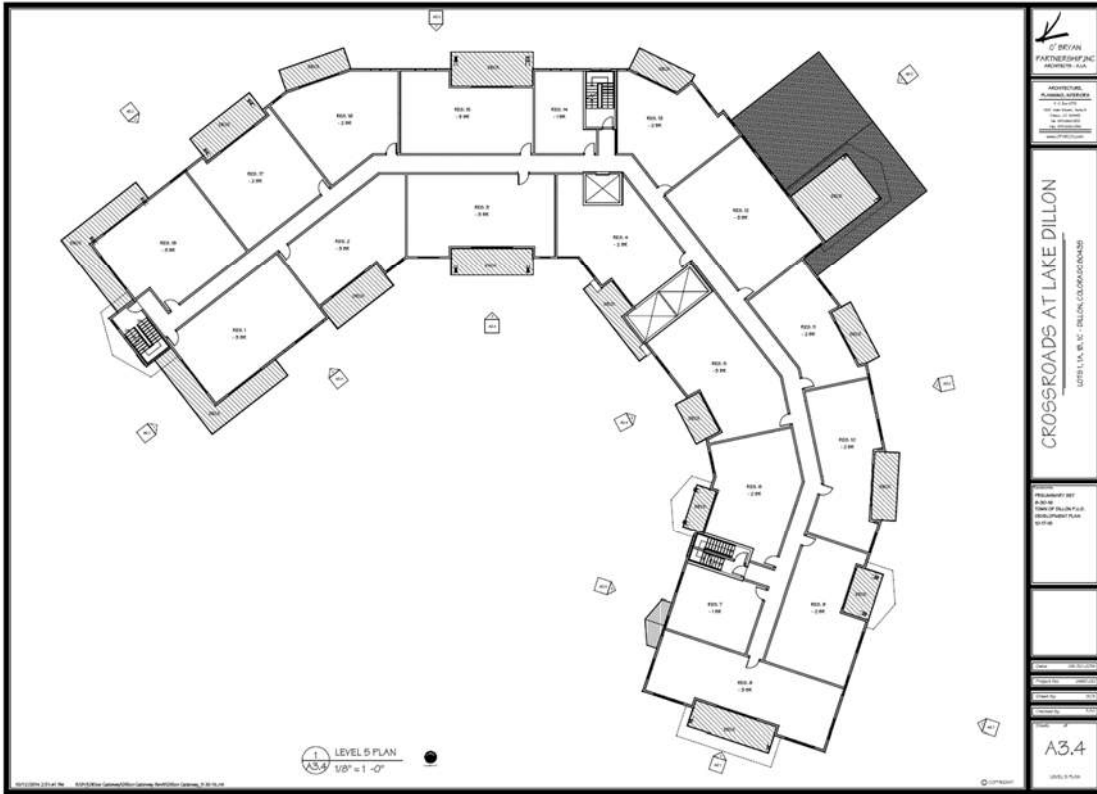
Developer proposes that open space provided by the Recreation Deck, upper level Observation Deck, and open space outside the building on the ground level be sufficient for the residential open space requirements on Level 3.



Floor Plan, Level 3.

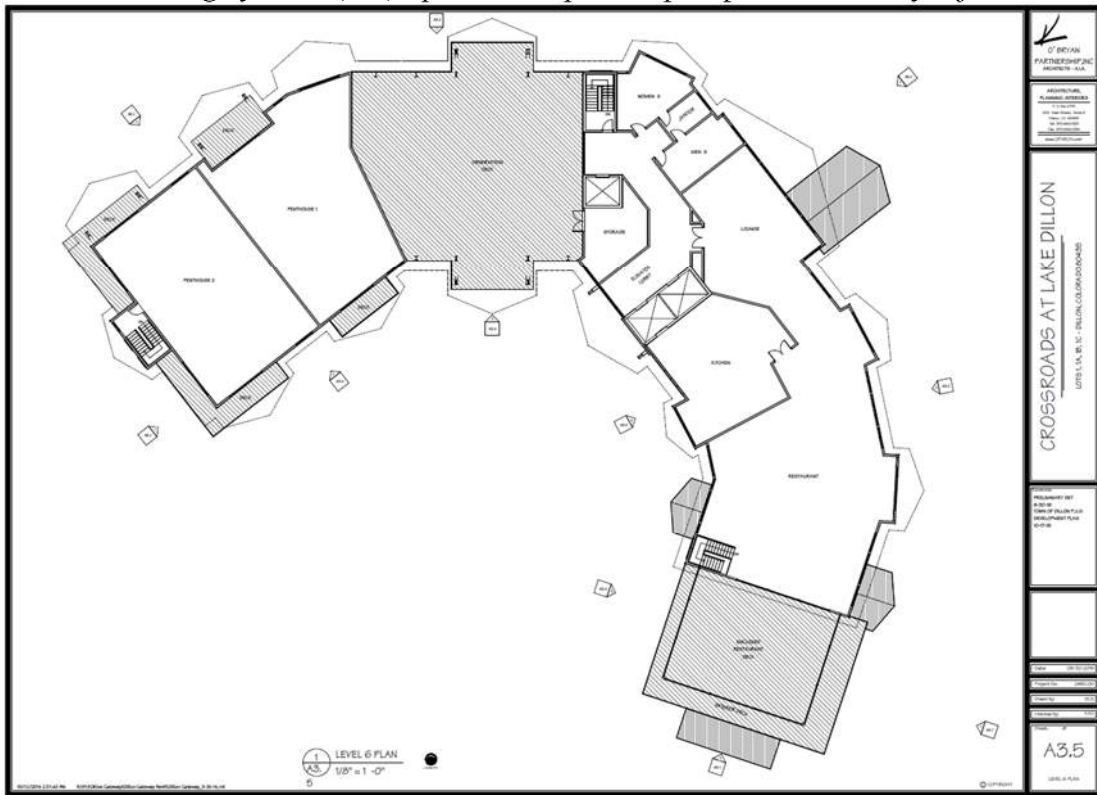
Level 5. Eighteen (18) residential units are provided on Level 5. The Developer proposes these units as market rate for sale condominiums. A total of 14,781 square feet of residential unit space is provided on the level.

The two (2) one-bedroom units are not provided with private open space decks due to limitations on the size of the units. They are afforded access to the 6,191 square foot common Recreation Deck on Level 3, as well as on grade open space, and the observation deck on Level 6.



Floor Plan, Level 5.

Level 6. Two (2) residential units are provided on Level 6, totaling 4,548 square feet with an average of four-hundred and eighty-seven (487) square feet of private open space immediately adjacent to the units.

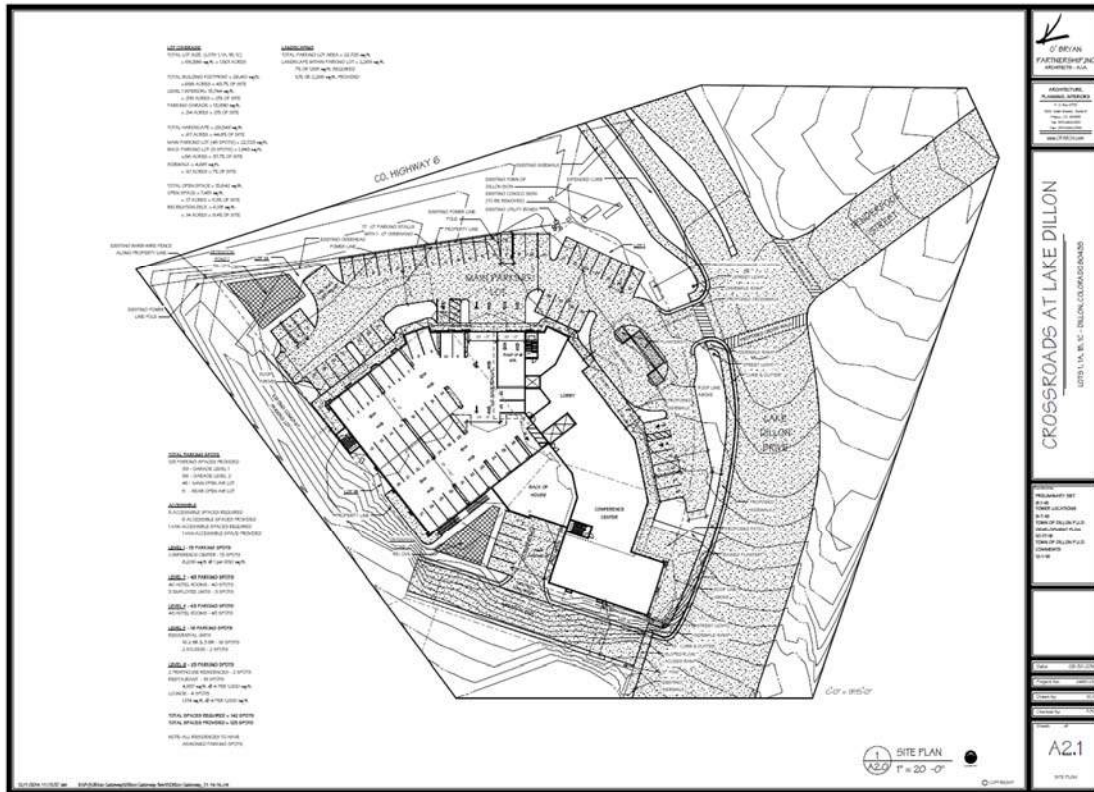


Floor Plan, Level 6.

The 3,928 square foot observation deck on Level 6 provides additional common open space for residents of the building in a shared capacity with the commercial users.

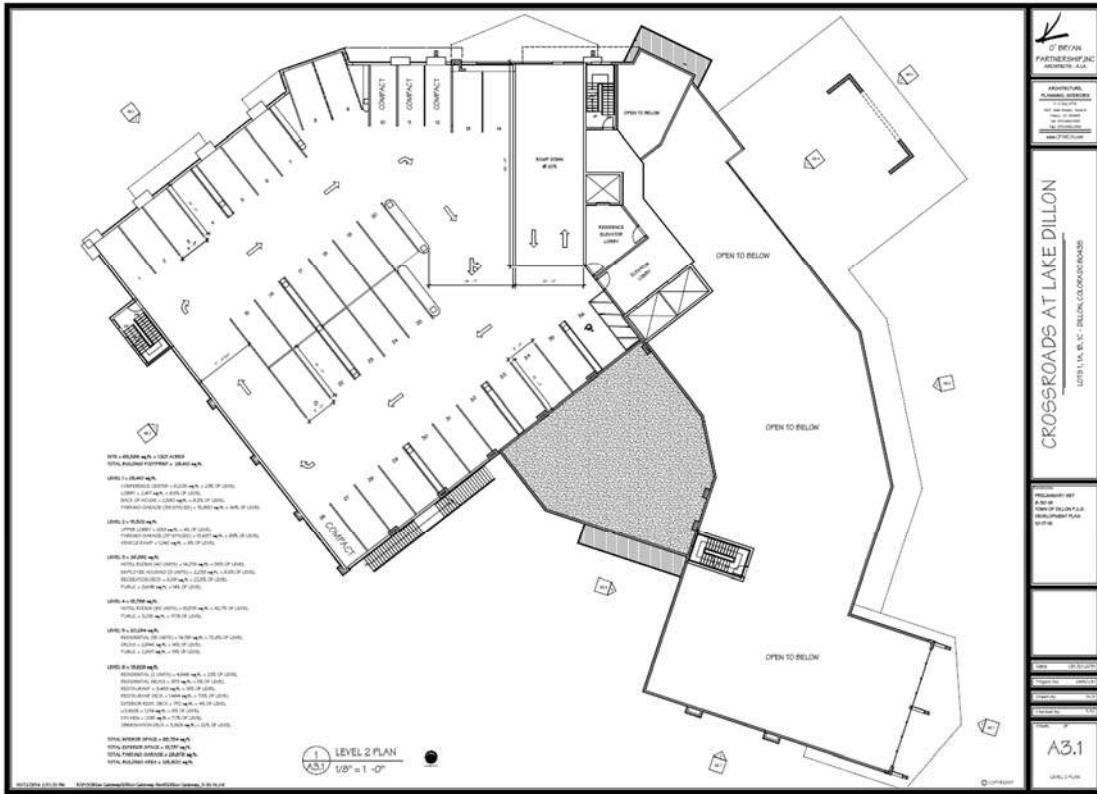
Site Configuration:

Access: Automobile access to the site is off of Lake Dillon Drive at the Intersection with Tenderfoot Street. A new crosswalk will connect pedestrian users with Town Park and the Summit Stage transit stop, as well as to sidewalks and paths connecting to the Core Area.



Off-street Parking:

Off-street parking is provide in open air parking spaces as well as a two (2) level covered parking structure.



The Code provides for off-street parking requirements in Article VI of Chapter 16, and those requirements as they apply to this application are tabulated below:

Parking Required per Code:					
		Commercial Zone	Core Area Zone	Commercial Zone	Core Area Zone
Level 1	<u>Seats</u>	<u>Parking Rate</u>	<u>Parking Rate</u>	<u>Required Parking</u>	<u>Required Parking</u>
Conference Room	100	1 Space / 4 Seats	1 Space / 4 Seats	25	25
-use auditorium in Sec. 16-6-40					
-100 seat capacity per applicant					
	<u>SF</u>	<u>Parking Rate</u>			
Level 1					
Lobby	2417	NA - Part of Hotel	NA - Part of Hotel	0	0
Level 2					
Upper Lobby	639	NA - Part of Hotel	NA - Part of Hotel	0	0
	<u>Units</u>	<u>Parking Rate</u>			
Level 3					
Hotel Rooms	40	1 Space / Bedroom	1 Space / Bedroom	40	40
Employee Housing (1 Bedroom)	3	1.5 Spaces / Unit	1.5 Spaces / Unit	4.5	4.5
Level 4					
Hotel Rooms	43	1 Space / Bedroom	1 Space / Bedroom	43	43
Level 5					
3 Bedroom Residential Units	8	2 Spaces / Unit	2 Spaces / Unit	16	16
2 Bedroom Residential Units	8	2 Spaces / Unit	2 Spaces / Unit	16	16
1 Bedroom Residential Units	2	1.5 Spaces / Unit	1.5 Spaces / Unit	3	3
Level 6					
Residential Units	2	2 Spaces / Unit	2 Spaces / Unit	4	4
	<u>SF</u>	<u>Parking Rate</u>			
Restaurant	7304	1 Space / 120 SF	1 Space / 250 SF	60.9	29.2
-includes lounge, kitchen, enclosed deck, and restaurant					
		Sub-Total		212.4	180.7
		TOTAL REQUIRED PER CODE:		213	181
		Total Spaces Provided:		125	125
		Apparent Parking Space Deficit:		88	56

Note: Not included is the observation deck on which the applicant mentions weddings

Crossroads at Lake Dillon PUD Parking Design Considerations. The Developer has requested the following parking design considerations through the PUD process:

- 1) Reduced Commercial and Residential Parking. Through the PUD process, Section 16-5-120(i) of the Code provides for the ability for an applicant to vary the required number of parking spaces based on consideration of the following factors:
 - a) Estimated number of vehicles to be used by occupants of dwellings in the PUD;
 - b) Temporary and permanent parking needs of non-dwelling uses;
 - c) Varying time periods of use whenever joint use of common parking areas is proposed; and
 - d) Parking and storage needs for recreational vehicles, including but not necessarily limited to campers, camper shells, boats, travel trailers

and snowmobiles. Note that the PUD Agreement stipulates that this item (4) may not be considered for this project, as such uses are not permitted in this PUD.

The Developer proposes one-hundred and twenty-five (125) parking spaces. They propose one (1) parking space per residential unit and hotel room, and differing criteria for the assessment of parking for the restaurant and conference center than provide for in the Code.

- a) The Code requires two-hundred and thirteen (213) parking spaces for the underlying Commercial zoning district.
 - b) Comparatively, the Core Area zoning district parking requirements would require one-hundred and eight-one (181) parking spaces.
 - c) The project provides approximately 59% of the required parking for the underlying zoning district, and approximately 69% of that required using the Core Area requirements as a comparative.
- 2) Allowance for Curb Overhang in Parking Dimensions. The Developer requests that a portion of the parking, those parking spaces along the CDOT Highway 6 Right-of-way be constructed at 17' deep with a 12" overhang over the curb and landscape strip adjacent to the right-of-way line. This effectively still provides an 18 foot long parking space, in the view of the Town Engineer, and is acceptable to the Town. There is no specific Code reference pertaining to this item.
- 3) Compact Parking Spaces: The Code allows for compact parking spaces in conjunction with a PUD. In this case the applicant has asked for five (5) compact parking spaces within the parking structure. The Developer proposed compact parking spaces with a width of eight (8) feet. The five (5) compact parking spaces represent 4% of the provided 125 total parking spaces provided. The Code provides for up to 20% compact vehicle parking within a PUD.
- 4) Parking Garage Ramp grade in excess of 10%. The Code allows for steeper parking garage ramp grades in conjunction with a PUD, with the condition that they don't exceed 20% grade and are heated. All parking garage ramp segments within a PUD greater than 10% require integral heating in accordance with Sec. 15-5-120(n)(2) of the Dillon Municipal Code (Code). The Developer proposes twenty percent (20%) grades for the garage ramps and will provide an integral snow melt system in all ramps exceeding 10%.
- 5) Parking Garage Ramp Width. The Code provides for a 20' parking garage ramp width as proposed for the parking garage access on the northern side of the building, in conjunction with a PUD. This is permissible within a PUD in accordance with Sec. 15-5-120(n)(3) of the Dillon Municipal Code (Code).
- 6) Parking Space Use restrictions. As noted in subsection 1)d) above, as a component of the concessions made for parking lot and parking garage design standard variations from the Code through the PUD process, the Town has placed the following limitations on parking space usage: The residential and commercial parking spaces located onsite may not be used for the storage of any vehicle or non-vehicle items, including, but not limited to storage sheds,

trailers, boats, kayaks, ATVs or recreational equipment, construction equipment or any other vehicle or non-vehicle items.

Commercial Zoning District Considerations:

The following shall be considered for a Conditional Use Permit for a residential use in the Commercial (C) zone, per Section 16-3-160 of the Dillon Municipal Code.

1. A Conditional Use Permit for the proposed residential use in the existing Crossroads at Lake Dillon is consistent with the zoning provisions of the Commercial (C) zoning district.
 - a. *Residential uses are permitted in the Commercial (C) zoning district upon issuance of a Conditional Use Permit.*
 - b. *Other aspects of the project having commercial components are compatible with the Commercial (C) zoning district.*
2. The residential uses do not exceed forty percent (40%) of the square footage of the total project nor exceed fifty percent (50%) of the square footage of any one (1) building within a project.
 - a. *The proposed residential use areas comprise approximately 25,381 square feet of the 128,800 square foot total building area. The residential use areas used in the calculation include the residential decks attached to the majority of the units. The residential uses in the building are therefore 19.7% of the square footage of the total project. This falls below the threshold provided by the Dillon Municipal Code of 40% maximum residential use for a project in the Commercial (C) zone.*
 - b. *The criteria for a maximum of 50% residential use for any one building well exceeds the 19.7% residential use proposed in the building.*
3. The residential uses are located either above the first floor or, if located on the first floor, do not occupy, in the determination of the Commission, a primary building facade, which is generally those facades that face the primary commercial parking lot intended to serve the project, or face public rights-of-way from which pedestrian access to the commercial or other approved primary uses is provided.
 - a. *The proposed residential use does not occupy the primary façade of the building on the first floor; the residential use is dedicated to Levels 3, 5, and 6 of the building.*
 - b. *Private residential access points, lobbies, and elevators are provided for the residential use, and do not occupy the primary façade or area of the proposed hotel lobby and conference center on the first level.*
4. The residential uses are provided with private yards or outdoor open space areas, a minimum of two hundred (200) square feet in size per unit, located immediately adjacent to the residential units. This may be on-grade or provided through the use of decks and/or balconies.

- a. *The three (3) employee housing units on Level 3 do not have private decks / balconies; they are afforded access to the 6,191 square foot Recreation Deck on Level 3. This is a condition of approval of the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*
 - b. *Of the eighteen (18) residential units on Level 5, sixteen (16) are provided with an average deck / balcony size of approximately 177 square feet of private space immediately adjacent to their units. This is determined by dividing the provided deck area of 2,846 square feet, by the sixteen (16) units on that level that are provided decks. These are multi-bedroom units, which are also afforded access to the 6,191 square foot Recreation Deck on Level 3. This is a condition of approval of the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*
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5. Parking for the residential uses shall be distinct from any other parking on-site, shall be in a separate area whenever possible and shall be signed for the use of the residents only. No required residential parking may be off-site, nor shall its construction be deferred to a later date.
- a. *The project proposes one (1) dedicated vehicle parking space per residential unit.*
 - b. *The number of dedicated residential parking spaces proposed is less than that required by the Dillon Municipal Code, which is a deviation from the underlying zoning district through the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*

B. That the proposed Conditional Use meets the criteria set forth in Article V “Planned Unit Development”, Division 3 “Conditional Uses”, Section 16-5-220 “Conditional Use Criteria”, as follows:

- 1. The use 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.
 - a. *The use is listed as a Conditional Use in the Commercial (C) zone. The Comprehensive Plan supports mixed-use projects and more intensive development along U.S. Highway 6. The hotel use, conference center, and restaurant uses are consistent with the purpose and permitted uses of the*

Commercial (C) zoning district. Multi-family residential uses are listed as a conditional use in the zoning district, so long as the proposed density is similar to that of the Residential Medium (RM) zoning district which has densities ranging from six (6) to fourteen (14) units per acre. The proposed twenty-three (23) residential units sited on the 1.5 acre project site is close to this density. The concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD provides for higher density as part of this proposed mixed-use development.

2. The parcel is suitable for the proposed Conditional Use, considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.
 - a. *The site is already developed with several buildings and parking lots.*
 - b. *The size and shape of the project site has been designed for optimal utilization of the property. The size constraints of the property have been optimized by seeking a deviation from the required setbacks through the concurrent Resolution PZ 09-16, Series of 2016 for the Crossroads at Lake Dillon PUD.*
 - c. *The proposed project has new drainage and landscaping improvements which will enhance the site.*
 - d. *Topography and slope stability are not anticipated to cause the site to be unsuitable, as the site is relatively gently sloping and there is no indication of soil instability at the current time.*
 - e. *The developer will have to legally remove the existing underground storage tanks on site and, if necessary, mitigate the soil in accordance with federal regulations.*
3. The proposed Conditional Use will not have significant adverse impacts on the air or water quality of the community.
 - a. *It is anticipated that the proposed project will not have any significant adverse impacts on the air or water quality of the community.*
 - b. *The project requires demolition of buildings that may contain asbestos. The PUD Agreement requires proper mitigation and legal disposal of all contaminated materials prior to the demolition of any structures.*
 - c. *As referenced in subsection 2 above, the existing underground fuel storage tanks will require removal and soil mitigation if necessary, in accordance with state and federal laws, to ensure the protection of air and water quality.*
4. 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.

a. *The proposed Conditional Use of residences on upper levels of the proposed building in the Commercial (C) zoning district are not anticipated to substantially limit, impair, or preclude the use of surrounding properties.*

5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the Conditional Use.

a. *All required utilities and services are in place, or can be made available to the site.*

b. *All required utilities would need to be in place prior to the issuance of a Certificate of Occupancy for the project, and thus prior to the establishment of the Condition Use residences.*

C. That Conditional Use Permits shall transfer in ownership and thus run with the land in accordance with Section 16-5-250 of the Dillon Municipal Code.

Section 2. That the Planning and Zoning Commission of the Town of Dillon does hereby approve a conditional use permit for a residential use in the Commercial (C) zoning district at 122, 134, and 176 Lake Dillon Drive, Dillon, Colorado with the following conditions:

1. The residential parking spaces shall be dedicated and distinct for the residential users in the building.

2. No residential use may occupy the lower level of the building.

3. All residential occupants are to be afforded access to the Recreation Deck on Level 3 as all, or part, of their dedicated open space.

RESOLUTION CONSIDERATION:

Staff presents Resolution PZ 10-16, Series of 2016 for consideration.

PUBLIC HEARING:

A **Public Hearing** is required for this resolution.

PLANNING AND ZONING COMMISSION ACTION:

Upon Closing the Public Hearing, the Planning and Zoning Commission may approve the application, choose to deny the application, or may continue the review of this application at a future meeting and request additional information.

ACTION REQUESTED:

Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

STAFF MEMBER RESPONSIBLE: Ned West, Town Planner