TOWN OF DILLON PLANNING AND ZONING COMMISSION

REGULAR MEETING WEDNESDAY, June 7, 2017 5:30 p.m. Town Hall

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, June 7, 2017, at Dillon Town Hall. Vice Chair Amy Gaddis called the meeting to order at 5:35 p.m. Commissioners present were: Jerry Peterson and Teresa England. Chairman Nathan Nosari and Commissioner Charlotte Jacobsen were absent. Staff members present were Dan Burroughs, Town Engineer; and Corrie Woloshan, Recording Secretary.

APPROVAL OF THE MINUTES OF MARCH 1, 2017 REGULAR MEETING

Commissioner Jerry Peterson moved to approve the minutes from the March 1, 2017 regular meeting. Commissioner Teresa England seconded the motion, which passed unanimously.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION OF RESOLUTION NO. PZ 04-17, SERIES OF 2017; A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE AMENDING OF CHAPTER 16, "ZONING," ARTICLE V, "PLANNED UNIT DEVELOPMENT," SECTION 16-5-120 "PUD DEVELOPMENT STANDARDS," ARTICLE VI, "OFF-STREET PARKING AND LOADING," SECTION 16-6-40 "GENERAL PARKING REQUIREMENTS," AND SECTION 16-6-60 "DESIGN STANDARDS FOR OFF-STREET PARKING SPACES AND FACILITIES," ESTABLISHING ADDITIONAL PROVISIONS FOR ALLOWABLE BUILDING HEIGHTS WITHIN A PUD, PARKING LOT DESIGN, AND OFF-STREET PARKING REQUIREMENTS.; AND, SETTING FORTH DETAILS IN RELATION THERETO.

SUMMARY:

The following changes are proposed to the Town of Dillon planning and zoning regulations:

- A. Cap the maximum height that can be requested in a Planned Unit Development to an additional 40% more than the height allowed in the underlying zone district; Require all Planned Unit Developments which request additional height, to meet additional parking criteria including placing 65% of the parking beneath the main floor to enhance the street level appeal of the building.
- B. Add additional criteria to off-street parking requirements for a PUD.
- C. Eliminate a separate set of standards for parking generation calculations in the Core Area Zone.
- D. Add a provision in the Off-Street Parking Standards to allow a vehicle to back into a public right-of-way from an off-street parking lot under certain circumstances.

These Changes are explained in greater detail below:

A. Cap the maximum height that can be requested in a Planned Unit Development to an additional 40% more than the height allowed in the underlying zone district; Require all Planned Unit Developments which request additional height, to meet additional parking criteria

including placing 65% of the parking beneath the main floor to enhance the street level appeal of the building.

Town staff needs a tool to help define the absolute maximum height allowable in a planned unit development. Right now it is somewhat a free for all, and Town staff cannot give potential developers quantifiable direction on what building height is too high.

After the Dillon Crossroads project review, the community decided that a 90' building is way too tall. Town staff would propose that we cap any building height in a planned unit development to an additional 40% more than the underlying zoning district would allow.

In the Core Area Zone District, this would allow a building to be 50' + (0.40)x50'=70'. In the Commercial Zone District, this would allow a building to be 40' + (0.40)x40'=56'.

IN both cases, the code allows an additional 8' in height for non-habitable architectural elements such as elevator towers, roof peaks, bell towers, etc...

This code change to Section 16-5-120 PUD Development Standards, **Sub-section (f) Building Height**, simply defines the upper limit of a height increase within the context of a planned unit development and caps it at 40% more than the underlying zone district. It further requires that a 100% of the parking required by code be met. See the attached code section and resolution.

B. Add additional criteria to off-street parking requirements for a PUD.

Subsection (i) Off-Street parking of Section 16-5-120 PUD Development Standards will be modified with the following language to prevent any funny business as to how an applicant can apply the parking code to his/her project. The following code language was added:

- (2) The number of off-street parking spaces for each use in a PUD may not be reduced if the PUD requests an increase in building height.
- (3) The number of off-street parking spaces may not be reduced through the use of valet parking.
- (4) The applicant shall submit a parking generation report prepared by a licensed Traffic Engineer in order to justify the proposed parking reductions and amount of parking provided for the development.

<u>C.</u> Eliminate a separate set of standards for parking generation calculations in the Core Area Zone.

The Town of Dillon Municipal code currently has two sets of standards for calculating the required amount of parking generated by different types of uses. One set is applied to the Town Center Core Area (CA) zoning (Section 16-6-40(b)) and the other set is applied to the rest of the Town (Section 16-6-40(a)). The Core Area parking regulations arbitrarily require less parking than is required in the rest of town.

For example, retail uses require 1 space per 400 square feet of floor area outside the Core Area and retail uses require only 1 space per 650 square feet within the core area. As an example, a 4,000 square foot retail use in the Core Area would only require 7 parking spaces, whereas the same development in the rest of the Town would require 10 spaces.

Town staff believes the parking generation for the rest of the Town is more aligned with the actual parking spaces required for a development.

As the Town moves forward with redevelopment of the Town Center, analyzing the true impact to the Town's available parking pool of around 500 parking spaces is very important. So utilizing the parking regulations that have been applied to our successful Dillon Ridge Marketplace development areas and adjacent commercial and retail establishments in the Anemone Trail area of Town seems the most appropriate.

The code change simply deletes subsection (b) of Section 16-6-40 and renumbers the subsequent subsections accordingly.

D. Add a provision in the Off-Street Parking Standards to allow a vehicle to back into a public right-of-way from an off-street parking lot under certain circumstances.

In working with a developer on redeveloping Lot 16R, it has become apparent that the simplest way to allow this project to develop and provide the required number of onsite residential parking is to allow a row of their off-street parking lot to back into the parking aisle which remains in the Reconfigured Parking Lot B. Parking Lot B has one row of head-in 90° parking along the west side that is available for public parking; the developer is proposing a row of head-in 90° parking on the east side as well. This only makes sense because the parking lot was originally designed this way.

However, the code does not allow offsite parking to back into a public Right-of-way. In this unique circumstance, Parking Lot B actually exists in a dedicated right-of-way. So the code does not at this time allow off-street parking to use this existing 24' wide parking aisle to service offsite parking spaces.

To accommodate this unique circumstance, the Town is proposing that the code be changed to allow spaces from a private off-street parking lot to back into an unnamed right-of-way used for parking.

This parking change would also bring the Town's off-street parking into compliance with the code.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution PZ 04-17, Series of 2017.

Commissioner Teresa England supports the idea. Commissioner Jerry Peterson mentioned everyone will ask for a variance. Dan Burroughs, Town Engineer explained they'd have to prove an economic hardship and Council would have to buy off on it. Buildings need to be compatible with the surrounding area. Core Area zone used to be 40 feet, and they raised that to 50 feet for the whole Core Area when La Riva was built.

Vice Chair Amy Gaddis asked, what is the highest building in Town? Dan Burroughs, Town Engineer said it is La Riva, at 50 feet plus 8. They did everything they could, put parking underground, to minimize the height of the building. Everything is based on perception and where you measure it from.

Vice Chair Amy Gaddis questioned, do we need to put something in here that if you're going above 50 foot you have to start reducing as you go up? Dan Burroughs, Town Engineer, said there are Towns that do this, have to step back with each level, like a wedding cake. Would be a good rule to implement. Again, the PUD process is there.

Vice Chair Amy Gaddis asked, do you feel we could request perspective of the street showing existing condition and what the new would look like? Dan Burroughs, Town Engineer replied, absolutely. Commissioner Teresa England mentioned, I think the massing model is a good idea. I hesitate getting into specific design criteria, if we think it's appropriate suggest but don't make step back a rule. Vice Chair Amy Gaddis added, it's not uncommon when buildings get above a certain height you don't want it to look so

large. Dan Burroughs, Town Engineer informed, Frisco's architecture requires stepping. Vice Chair Amy Gaddis expressed it's also a pedestrian feel, where you don't feel like you're standing next to a tall building. Dan Burroughs, Town Engineer said I can bring you more information on Frisco's design guidelines. Their codes are more complicated because you get points for meeting certain things and lose points for others. Vice Chair Amy Gaddis requested that we talk to Roth Sheppard regarding the 40% and if they would recommend a change above that height.

PUBLIC HEARING:

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

Vice Chair Amy Gaddis opened the public hearing at 6:10 p.m.

Jim Hartmeier, Lookout Ridge – Expressed the 40% overage on zoning height he didn't originally like. Spoke with Dan about it. Concern is, it would allow for a building 78 feet high. Do we really have a need for a 78 foot building? Wording needs to be cautious. Suggest starting off with a lower percent and seeing how that goes.

Danny Eilts, 324 W Buffalo – Said he submitted plans for the Crossroads project, it appears all of this is coming out of that process. I thought one reason for a PUD was to attract developers, but it sounds like we're putting more restrictions on a PUD. You're going to chase developers away. I don't know enough about the 40% but my initial response is you're making the process more difficult to do a PUD and increases the cost of a project. Maybe you don't need a PUD process, you're chasing developers away. Vice Chair Amy Gaddis asked what the height was on his project? Dan Burroughs, Town Engineer replied it was almost 90 feet, more than twice what we allow. This is why we're here today. From a staff standpoint we need to know what to tell developers. We're trying to work with the community, PNZ, and Council so that developers have better guidelines when putting money towards something that will succeed. We are fact finding now but again Council said not to bring them PUD changes.

Vice Chair Amy Gaddis closed the public hearing at 6:17 p.m.

Commissioner Teresa England moved to approve sections 3 and 4 of Resolution NO. PZ 04-17 Series of 2017. Commissioner Jerry Peterson seconded the motion, which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. PZ 05-17, SERIES OF 2017

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE AMENDMENT OF CHAPTER 16, "ZONING," ARTICLE VIII, "DESIGN GUIDELINES" OF THE DILLON MUNICIPAL CODE OF THE TOWN OF DILLON, COLORADO TO ADD A NEW SECTION 16-8-120, "MARCH 2017 TOWN OF DILLON DESIGN GUIDELINES;" AND, SETTING FORTH DETAILS IN RELATION THERETO.

SUMMARY:

The Town and Roth Sheppard Architects have worked with community members through workshops and forums, community advisory committees, and Town Council work sessions discussing the creation a cohesive vision for the built environment in the Town of Dillon. The "March 2017 Town of Dillon Design Guidelines" (Guidelines) are the culmination of a community based and architecturally focused visioning effort to create unique design guidelines that will help to create complimentary developments with quality

architectural elements that acknowledge Dillon's mountain lake setting. They provide a design framework supporting Dillon's '*Mountain Lakestyle'* brand. These are guidelines for architects, developers, and the Town to utilize when planning, designing, proposing, reviewing, and constructing projects with architectural elements, themes, and visions found in the Guidelines.

The Guidelines are attached to Resolution PZ 05-17, Series of 2017 as Exhibit 'A'.

The Planning and Zoning Commission has reviewed the Guidelines through various drafts, and had a presence on the Economic Development Advisory Committee during the development of the Guidelines. The Town Council has contributed to the effort through numerous work sessions with the design and development team. The Commission last reviewed the Guidelines in a study session during the March 2017 regular meeting. This Resolution provides the Dillon Municipal Code adoption by reference language to support their use as a guiding document to create complimentary, high quality developments in the Town of Dillon.

The Resolution provides the Code language to adopt the Guidelines by reference. The Guidelines remain a separate document which the Code references. The Colorado state statutes and Town Charter provide that the "March 2017 Town of Dillon Design Guidelines" may be adopted by reference. This adoption by reference is how the Code provides for the Building and Fire Codes, for example. These codes are amended from time to time, and then adopted by reference to reflect the passage of time and improvements in design and life safety.

The Resolution recommends that the Town Council adopt the amendment to Chapter 16 "Zoning", Article VIII "Design Guidelines," by adding a new Section 16-8-120 "March 2017 Town of Dillon Design Guidelines". The new Code section reads as follows:

Sec. 16-8-120 "March 2017 Town of Dillon Design Guidelines"

Pursuant to the Home Rule Charter, Section 3-12, there is adopted the "March 2017 Town of Dillon Design Guidelines", by reference thereto.

STAFF RECOMMENDATION:

Town staff believes it is in the best interest and well-being of the Town to adopt this Chapter 16 amendment, by adding a new Section 16-8-120 "March 2017 Town of Dillon Design Guidelines," and recommends approval of Resolution PZ 05-17, Series of 2017.

Amy – we made only a few changes to this, is it otherwise the same? Dan – yes, this has also been approved by Town Council. Teresa – do you want them to take a look at the concept of stepping back? Amy – I'd be surprised if it wasn't in here in terms of facade. If we want to look at increasing the height, if we put it into the guidelines vs the code could we amend this? Teresa – they talk about the character of the building fitting into the architecture of surrounding buildings. That's why I hesitate to make it iron clad, it might not fit in all situations.

PUBLIC HEARING:

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

Vice Chair Amy Gaddis opened the public hearing at 6:24 p.m.

No public comments.

Vice Chair Amy Gaddis closed the public hearing at 6:25 p.m.

Commissioner Teresa England moved to approve Resolution NO. PZ 05-17 Series of 2017. Vice Chair Amy Gaddis seconded the motion, which passed unanimously upon roll call vote.

<u>CONSIDERATION OF RESOLUTION NO. PZ 06-17, SERIES OF 2017</u>; 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 AN ACCESSORY APARTMENT AT 151 TENDERFOOT STREET, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

SUMMARY:

The Town received an application for a Conditional Use Permit for an Accessory Dwelling Unit at 151 Tenderfoot Street, Lot 16, Block L, New Town of Dillon, Dillon, Colorado. The proposed project would include the construction of a three car garage addition with a small Accessory Dwelling Unit above it. The application demonstrates conformance to the Code Sections pertaining to Conditional Use Permits and Accessory Dwelling Units, Section 16-5-220 and Section 16-4-40, respectively.

Project: Pasterkamp Addition with Accessory Apartment

Location: Lot 16, Block L, New Town of Dillon

Address: 151 Tenderfoot Street

Owners: Jim and Susan Pasterkamp

Architect: Bill Marvin, Hodges/Marvin Architects, Inc.

Development Application: Level III Conditional Use Permit for an Accessory Apartment; Residential Remodel with attached garage footprint addition.

Application Date: April 24, 2017

Code Analysis:

Zoning: Residential Low (RL). Accessory Apartments are permitted through a Level III Conditional Use Development Permit process. Two (2) parking spaces shall be provided for the accessory apartment, the apartment shall not exceed 900 SF nor be greater than 1/3 of the primary residence, the apartment shall be deed restricted to minimal six (6) month rental terms and the apartment may not be sold as a separate property. Additional water / sewer tap fees shall be paid.

An Accessory Dwelling Unit may be permitted in the RE, RL, RM, and RH zones in a single family residence (Sec. 16-4-40). The subject property is zoned Residential Low (RL). The provisions required in this Code section to satisfy this allowance are provided in detail, by subsection, in Resolution PZ 06-17, Series of 2017. This application does meet those provisions

Yards (Setbacks): The side setbacks for the RL zone are 8', and the proposed addition is set back greater than eight feet from the side lot line. The proposed addition is also well clear of the required 15' rear yard and 20' front yard. (Sec. 16-3-130)

Easements: The proposed addition will not be constructed in any known easements. (Sec. 16-9-10)

Parking: Two (2) dedicated parking spaces are required for the proposed Accessory Dwelling Unit.

Comprehensive Plan Reference:

- Section 6, Part II "Land Use Guidelines" refers to the desire to create diversity in residential land uses in an effort to increase year-round residents in the community.
- Section 6, Part III "Residential / Mixed Use Zoning Classification" provides for up to six (6) units per acre in the Residential Low zoning district and states that accessory units are permitted in the zone.

Square Footage Analysis:

Existing: Main: 960 SF Upper: 960 SF Total: 1920 SF Proposed: Stairway: 358.5 SF Garage / 3-Car: 1008 SF Accessory Apartment above Garage: 1-Bed – 1-Bath / Kitchen with Oven: 696 SF Total: 2062.5 Total Residence with Addition: 3982.5 SF Total Residence with Addition: 3982.5 SF Percentage of Total SF: 696 SF / 2974.5 SF = 23.4% (33.3% Permitted by Code)

Lot Coverage:

Lot Size: 22,500 SF Existing Structure: 1020 SF Existing Shed: Assume 10' x 12' = 120 SF Proposed: 1355 SF Total Lot Coverage: 2,495 SF Percent Lot Coverage: 11.1% (40% Allowed by Code)

Snow Storage:

Area to be cleared of snow: 1,290 SF Snow Storage Requirement: 1,290 SF x 0.25 = 322.5 SF Snow Storage Provided: 330 SF

Parking:

Three (3) parking spaces are provide in the garage and at least two (2) exterior parking spaces are provided on site. Of those spaces, two (2) are to be reserved for the accessory apartment. *Building Height:* Low ground elevation: 97.7' (southeast elevation) High ground elevation: 98.6' (northwest elevation) Base Elevation: 98.2' Highest Ridge Elevation: 124' - 7 - 1/8'' = 124.7'Building Height: 124.7' - 98.2' = 26.5' (30' Permitted by Code)

Architecture:

The project has timbers and beams, wood siding, stone features, and design characteristics described in the Town of Dillon Architectural Guidelines. The architectural design exhibits aspects of historic mountain architectural elements in the roof lines and building elements depicted in the Guidelines, and is complimentary with the existing structure and surrounding neighborhood. The design has articulation and varied roof pitches and elevations. Gable truss features and hardware tie the addition aesthetically with the existing residence. The proposed colors lend to a complimentary aesthetic.

Street Trees:

Code Requirement:

Sec. 16-7-30. - Specific requirements. Excerpt

(e) Trees shall be provided in the following manner:

(1) Street trees shall be provided for all projects where front yards are required, at a rate of one (1) tree for every fifteen (15) linear feet, or fraction thereof, of street frontage, including street side yards.
 (2) In addition to the street trees required above, trees shall be provided for all projects other than single-family, at a rate of one (1) tree per five (5) parking spaces or fraction thereof. These trees shall be placed within or immediately adjacent to the parking lot.

(3) Within all other yards, trees shall be provided in a number adequate to buffer the project from adjacent uses.

(4) All required trees shall be a minimum of six (6) feet in height, with the exception that twenty-five percent (25%) of the required trees for any project shall be a minimum of eight (8) feet in height.
(5) All required trees shall have a minimum caliper, measured two (2) inches above ground level, of one and one-half (1½) inches.

(6) A minimum of thirty percent (30%) of all required trees shall be evergreens, and at least twenty-five percent (25%) of the evergreens shall be a minimum of eight (8) feet in height.

-*Required Trees:* 100 LF Frontage / (1 tree/15 LF) = 7 trees, 3 of which shall be every reens

Site Evaluation:

The site plan shows 11 evergreen and aspen trees in the front portion of the 100' wide property. The site is heavily vegetated with a mix of deciduous and evergreen trees. No additional trees are required to screen the residence from the roadway.

Water / Sewer Tap Fees (EQR's):

- Existing 2-Bed / 2-Bath home: 1 EQR assessed balance
- 0.65 EQR's additional assessed for 1-Bed / 1- Bath / Full Kitchen Apartment
 - $\circ = 0.65 \text{ EQR x } \$14,966.00 = \$9,727.90 \text{ due}$

Impact Fees:

Summit County Housing Authority 5A affordable housing funding.

- Additions between 1,500 and 2,499 SF are assessed \$0.50 / SF.
- Proposed addition:
 - Total SF Proposed: 2,062.5 SF
 - Garage Exemption: -600 SF (per 5A Measure)
 - Assessed Area: 1,462.5 SF
- Impact Fees Due: \$0.50/SF x 1,462.5 SF = **\$732.25 due**

CONDITIONS OF APPROVAL:

1. The applicant shall obtain a Grading and Excavation Permit with the Town prior to performing any site disturbing activity.

2. The foundations shall be surveyed by a Colorado Licensed Surveyor and an Improvement Location Certificate plat provided to the Town prior to Building Permit finalization. The following information is to be provided: location of the foundation showing adherence to the setbacks, and providing a building height certification meeting the maximum building height limit.

3. The applicant shall re-vegetate all disturbed areas by planting a native grass seed or turf grass seed mix, ensure growth through watering or irrigation, and maintain a vegetative ground cover.

4. The applicant shall pay the required water and sewer tap fees.

5. The applicant shall pay all applicable Impact Fees.

6. The applicant shall file with the Town the required restrictive covenant preventing subdividing into separate ownership.

7. The applicant shall file with the Town a deed restriction that prevents short term rentals of the Accessory Apartment.

8. The applicant shall verify the functionality of the water service curbstop valve. The curbstop water service valve shall be observed and documented as functional by the Dillon Water Department. It is the owner's responsibility to maintain the curbstop valve in an operational condition in accordance with the Dillon Municipal Code.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution PZ 06-17, Series of 2017.

PUBLIC HEARING:

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

Vice Chair Amy Gaddis opened the public hearing at 6:25 p.m.

Bill Marvin with Hodges/Marvin Architects presented. Separate entry doors for the accessory unit were discussed. Commissioner Jerry Peterson asked if the accessory unit will have a separate heating system. Jim Pasterkamp, 151 Tenderfoot Dr – explained, for now it will be shared. He is a mechanical contractor and will eventually re-do the whole system.

Dan Burroughs, Town Engineer said this is compliant with our accessory apartment code. He will enter into a covenant with the Town that they can't short term rent and they can't subdivide.

Vice Chair Amy Gaddis read letter received 6/7/2017 from Dennis Boyd, 159 Tenderfoot St, supporting the conditional use permit. Looks like an excellent design and it will help mitigate the housing shortage we have in Summit County. Please use dirt excavated from property to create berm. I also think you are being optimistic with snow storage.

Vice Chair Amy Gaddis asked, is there anything in the code re: snow storage? Dan Burroughs, Town Engineer answered, yes 25%, he's met that. Commissioner Jerry Peterson commented I think berm is a great idea. Dan Burroughs, Town Engineer said typically you wouldn't allow berms but all along Tenderfoot have been berms built by owners for sound masking. Pretty much everyone has one. All utilities are overhead so not an issue with the berm. Just drainage if they're directing drainage into their neighbor.

Jim Pasterkamp – also owns 155 Tenderfoot. Knows the noise issue very well. We have a lot of vegetation in the back lot and I'm torn between removing vegetation and putting berm back there. I know TOD owns the tip corner and next door is commercial. If the city wants to build a berm back there I'd be willing to talk to them about it.

Vice Chair Amy Gaddis closed the public hearing at 6:38 p.m.

Commissioner Jerry Peterson moved to approve Resolution NO. PZ 06-17 Series of 2017. Commissioner Teresa England seconded the motion, which passed unanimously upon roll call vote.

OTHER BUSINESS

Peterson -- Why doesn't Town decide what they want to do with Danny? Dan Burroughs, Town Engineer mentioned Danny presented to Council last night. Kerstin's going to give him a formal letter. Some of the Commissioners still think it's too tall and there aren't enough parking spots. The height now is 64 feet. Right now there's no guidance to staff or the applicant on height. We're trying to remove some of the guess work with this.

We have a special meeting set for Wednesday, June 28th, 2017 at 5:30.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:43 p.m.

Respectfully submitted,

Corrie Woloshan

Corrie Woloshan Secretary to the Commission