

RESOLUTION NO. 35-17
Series of 2017

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL IV DEVELOPMENT APPLICATION FOR THE BLOCK 6 AMENDMENT TO THE DILLON RIDGE MARKETPLACE PLANNED UNIT DEVELOPMENT, CONSISTING OF 3 APARTMENT BUILDINGS WITH A TOTAL OF 36 APARTMENT UNITS LOCATED, ON BLOCK 6 OF THE DILLON RIDGE MARKETPLACE PLANNED UNIT DEVELOPMENT, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Town Council of the Town of Dillon (“Town Council”) has received a Level IV Development Application from Dillon Ridge Investments, LLC (the “Developer”) for the Block 6 Amendment to the Dillon Ridge Marketplace Planned Unit Development (“Application”), consisting of three apartment buildings with a total of 36 apartment units located on Block 6, Dillon Ridge Marketplace Planned Unit Development, Dillon, Colorado (the “Block 6 Amendment”); and

WHEREAS, following the required notice, a public hearing was held on June 28, 2017, before the Planning and Zoning Commission of the Town of Dillon (“Planning and Zoning Commission”) on the Application, at which time the Planning and Zoning Commission approved the Application by Resolution PZ 07-17, Series of 2017, making a recommendation to the Town Council to approve the Application with certain conditions; and

WHEREAS, the Town Council has determined that the Application is complete; and

WHEREAS, following the required notice, a public hearing on the Application was held on July, 18th, 2017, before the Town Council; and

WHEREAS, following the public hearing the Town Council has made certain findings of fact regarding the Application and has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the Block 6 Amendment should attach to the approval of the Application for the Block 6 Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. That the Town Council, following the required notice, held a public hearing on July 18, 2017 on the Application for the Block 6 Amendment, and following said public hearing makes the following findings of fact:

- A. That the Application is complete.
- B. That the Block 6 Amendment meets the applicable Town of Dillon Municipal Code (“Code”) requirements.
- C. That the Block 6 Amendment is compatible with the Mixed Use Zoning District and is compatible with surrounding uses.
- D. That the Block 6 Amendment is in general compliance with the Town of Dillon Comprehensive Plan.
- E. That the Block 6 Amendment provides a significant workforce housing component which allows this parcel to develop as a 100% residential project without a commercial or retail component.

Section 2. That the Town Council hereby approves the Application and the Level IV Development Permit for the Block 6 Amendment, with the following conditions:

- A. The Developer shall enter into the Block 6 Planned Unit Development Agreement Amendment to the Dillon Ridge Marketplace Planned Unit Development Agreement (“Agreement”) with the Town of Dillon for the Block 6 Amendment, and shall comply with all the obligations and requirements contained therein prior to issuance of any development permits.
- B. The Developer shall enter into a Restrictive Covenant and Agreement for the provision of workforce housing (“Restrictive Covenant”) with the Town of Dillon for the Block 6 Amendment, containing provisions as follows:
 - 1. The Developer shall dedicate in perpetuity eighteen (18) deed restricted units, consisting of six (6) non-end units in each of the three buildings making up the Block 6 Amendment development (“Development”), the total equaling fifty percent (50%) of the total units in the Development to serve as local workforce housing. Local workforce housing is defined as persons living in Summit County full time and working in Summit County a minimum of thirty (30) hours per week.
 - 2. In order to promote the long-term affordability and occupancy of the workforce housing in the Development, the Developer shall adhere to the following rental rates for the deed restricted workforce housing rental units in the Development (“Rental Units”) as follows:
 - a. Rental Units will initially be offered at a maximum rental rate set at the 2017 100% Area Median Income ("AMI") level calculated by the Summit Combined Housing Authority for a 2 bedroom (3 person) unit for the year the Rental Units are first offered for rent.

- b. If subsequent AMI studies in future years increase the rent level for 100% AMI rates, the maximum rental rate may be adjusted upwards accordingly.
 - c. The developer shall not be required to rent these units for less than the 2017 100% AMI rental rate for a 2 bedroom (3 person) household.
3. The Rental Units shall be rented for a rental term of not less than 6 months (or 180 days).
 4. Employees who work within the Town of Dillon municipal limits shall be given priority and a preference to rent the Rental Units over employees who work outside the Town of Dillon municipal limits.
 5. The Rental Units shall not be allowed to be subleased, nor shall the Rental Units be rented short term through vacation rental programs such as VRBO or AirB&B.
- C. The Developer shall adhere to the materials and colors presented at the public hearing, a copy of which is on file in the Town Engineer's office, which materials and colors have been incorporated into the Agreement.
 - D. All Accessible parking spaces shall be designed and constructed in conformance with the Town of Dillon Municipal Code and Federal Accessibility laws.
 - E. The Developer shall revise the plans based on the comments from the July 7, 2017 review letter from the Lake Dillon Fire Rescue prior to issuance of a building permit for the project.

**APPROVED AND ADOPTED THIS 18TH DAY OF JULY, 2017 BY
THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO.**

TOWN OF DILLON,
a Colorado municipal corporation

By: _____
Kevin Burns, Mayor

ATTEST:

By: _____
Jo-Anne Tyson, CMC/MMC, Town Clerk