

**TOWN OF DILLON
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING
WEDNESDAY, August 2, 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, August 2, 2017, at Dillon Town Hall. Vice Chair Teresa England called the meeting to order at 5:30 p.m. Commissioners present were: Jerry Peterson, and Kevin Stout. Chairman Amy Gaddis and Commissioner Charlotte Jacobsen were absent. Staff members present were Dan Burroughs, Town Engineer; Ned West, Town Planner; and Corrie Woloshan, Recording Secretary.

APPROVAL OF THE MINUTES OF JUNE 28, 2017 SPECIAL MEETING

Commissioner Kevin Stout moved to approve the minutes from the June 28, 2017 special meeting. Commissioner Jerry Peterson seconded the motion which passed unanimously.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION OF RESOLUTION NO. PZ 08-17, SERIES OF 2017; A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR THE DILLON FLATS CONDOMINIUMS, A 24 UNIT CONDOMINIUM BUILDING LOCATED AT 175 AND 205 E. LABONTE STREET, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO

SUMMARY:

The Town of Dillon has received a Level III Development Application from Dillon Ridge Investments, LLC (the “Developer”) for the Dillon Flats Condominiums (“Application”), consisting of a 24 unit condominium building and its associated parking located on 175 and 205 E. LaBonte Street, Dillon, Colorado. More specifically, the project will be constructed on Lots 17A and 17B, Block A of the New Town of Dillon subdivision.

The Dillon Flats Condominium proposal includes a single condominium building on Lot 17A with the required parking being provided on Lots 17A and 17B. A new park amenity will be constructed at the South end of Lot 17B at the Northeast corner of Fiedler Avenue and E. LaBonte Street. The project will also continue the Marina Place walking path through the property to Colorado Mountain College.

The unit mix for the building includes three (3) One Bedroom & One Bath Units, seventeen (17) Two Bedroom & Two Bath Units, and four (4) Three Bedroom & Two Bath Units.

DILLON URBAN RENEWAL AUTHORITY (dura) BACKGROUND:

Lots 17A and 17B were created by the Town of Dillon in 2015 out of underutilized Town Owned land in the Dillon Town Center. These two parcels are the vacant land between Colorado Mountain College and East LaBonte Street. In the fall of 2015, the Town of Dillon requested proposals from the

development community for these two lots and also Lot 16R on the north side of Main Street. The Town received two (2) proposals and ultimately decided to move ahead with a proposal for condominiums on Lots 17A and 17B because the proposal has a workforce housing component. The Town of Dillon Town Council passed a resolution earlier this year that allows the property to be transferred from the Town of Dillon to the Dillon Urban Renewal Authority on a date to be determined in September of 2017.

The proposed real estate transfer agreement between the Developer and the Dillon Urban Renewal Authority is planned to be signed on August 15th, 2017 at a special meeting of the Dillon Urban Renewal Authority to be held at Dillon Town Hall. This agreement sets up the terms of the purchase and sale of the two (2) lots in conjunction with Lot 16R to the Developer and will require that an additional workforce housing covenant and an additional development agreement be executed between the Town of Dillon and the Developer.

Public Notice:

The Town posted a sign of the public hearing on the site on Thursday, July 20, 2017. A newspaper ad was ran in the Summit Daily (Journal) on Friday July 21, 2017, and a mailing noticing the public hearing time and date was sent out on July 19, 2017 to property owners within 300’ of the proposed development. These dates are all within the required 7-14 day notice period before the Public hearing on August 2, 2017.

Zoning:

The proposed project is located within the Core Area (CA) Zone District. A multi-family residential project is allowed without a conditional use permit as long as none of the residences are located on the ground floor. In this case, the ground floor of the building is mostly parking and also includes stairwells and an elevator. Therefore the project complies with the use requirements of the CA zone district.

Workforce Housing:

The Developer is proposing that 25% of the twenty-four (24) units, a total of 6 units will be reserved for workforce housing and will be sold to people who can demonstrate that they work within Summit County a Minimum of 30 hours per week. Additionally, four (4) of these units will also have a maximum purchase price set by the Summit County Combined Housing Authority based on incomes within the 90% to 130% AMI (Area Median Income) range.

The final unit numbers to be dedicated with the AMI restriction will be finalized in a separate Workforce Housing Restrictive Covenant (“Restrictive Covenant”) that the Developer will enter into with the Town of Dillon. This agreement will be reviewed and approved by the Town Council at a future date and is a condition of the purchase and sale agreement between the DURA and the Developer.

COMPLIANCE WITH DILLON COMPREHENSIVE PLAN:

The Developer believes that their proposal for a 100% residential project above the first floor within the Core Area Zone meets the Towns objectives for development by providing 24 condominium units in the Dillon Town Center to add more residents to the Town Center to support core area business growth. The Comprehensive plan also encourages developments in the Town Center that can add workforce housing opportunities within the Town of Dillon and Summit County.

Off-Street Parking Lot Considerations:

The proposed development requires five (5) Parking spaces for the one bedroom units at a rate of 1.5 parking space per unit; and an additional forty-two (42) parking spaces for the twenty-one (21) two bedroom and three bedroom units based on two units per unit. A total of forty-seven parking spaces are required. The developer is providing 53 parking spaces, 27 on the first level of the building and 26 outside the building.

Unit Type	Quantity	Parking Rate	Parking Required	Parking Provided
One Bedroom	3	1.5 space/unit	5	
Two Bedroom	21	2 space/unit	42	
TOTAL			47	53

Per Town and Federal Code, the Developer is providing three (3) Accessible parking spaces; one is inside the parking structure and the other two (2) are located outside the south side of the building.

The proposed parking lot conforms to the Town Code parking lot design standards and includes 18' x 9' spaces outside the building with a 24' driveway between them.

SIDE YARDS (SETBACKS):

The Town Code does not require any setbacks in the Core Area Zone, so the building complies with Town Code.

Lot Coverage:

The Town Code allows a building within the Core Area Zone to occupy the entire lot. The proposed development will provide 0.22 acres of open space, or 29% of the total 0.77 acres of lot area. The project complies with Town Code.

BUILDING HEIGHT:

The Core area zone allows buildings to be 50' high plus an additional 8' for unoccupied vaulted ceilings areas and elevator shafts.

The actual proposed height of the building from the finished floor of the garage to the top of the ridge line is 58'. As measured by the Town of Dillon zoning code the building height for the building is as shown in the table below:

Building Identification	1
High Existing Ground Elevation @ Building	9100.2'
Low Existing Ground Elevation @ Building	9093.8'
Base Elevation	9097'
Allowable Building Height per Code (at 50'+8')	9155'
USGS Finished Floor Elevation	9094.5'
USGS Top of Building Elevation (37' 9.75")	9152.5'
	Complies

The table above demonstrates that the building is actually below the maximum building height allowed as measured by Town Code.

UTILITIES:

The proposed project is located within the Dillon Town Center and water and sewer mains exist on the adjacent streets. The proposed water service to the building will be fed off the 8" water main in E. LaBonte Street. The proposed sewer service to the building will connect to the existing sewer main in Main Street.

DRAINAGE:

The proposed property drains to Dillon Reservoir. A storm sewer system exists in the Town Center and outfalls in Lake Dillon Drive below the Dillon Amphitheater. The proposed development will install a new private storm sewer system between the building and Fiedler Avenue. All onsite storm sewer pipes and manholes are private improvements and will be maintained by the Developer in perpetuity.

SNOW STORAGE:

The proposed development provides the required 25% snow storage for the parking lot onsite. The parking paved surface is 10,240 square feet. The Snow storage required is 2,605 sf and the Developer is providing 2,636 square feet.

ARCHITECTURAL GUIDELINES:

The architect has worked with the Town of Dillon Architectural Guidelines and the Town's architectural consultant and believe that their development is in conformance with the intent of the guidelines. See the attached checklists for additional information.

PEDESTRIAN CONNECTIVITY:

The proposed project provides a new sidewalk along the east side of the property along E. LaBonte Street and the project creates a direct public sidewalk connection between the Marina Place path and Colorado Mountain College.

PRIVATE RESIDENTIAL UNIT Open Space:

The developer is providing a 6'x20' Deck for most of the units which provides 120 square feet of outdoor open space per unit. The exception to this rule are Units 4, 12 and 20 which have Two(2) 6'x10' decks, which still provides a combined total of 120 square of outdoor open space for each of these units. There is not a specific private open space requirement in the Core Area zone, but the mixed use zone requires a minimum of 100 square feet per two-bedroom for comparison purposes.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution PZ 08-17, Series of 2017.

Tim Crane, developer with Summit Homes Construction presented. Excited to be here. Been building for 20 years in the County. Almost entire team has been here the whole time. Local team building houses for the County. Close to 750 homes. We're strong member of the community and hope to be so for a long time. It's been some time since we built condo project because of construction defect liability issues. Now the laws have changed and market opened, we're excited about getting back into condos again. Have a project similar to this we did in Frisco in 2006 that was very successful. It's an in-town parcel that we tried to maximize the location and consult with architectural guidelines. This is all part of Town core revitalization process. It will bring in 24 home owners. Most buyers are from Denver that come up every weekend for 5-6 years. Then it churns. We've seen a major shift from 2nd home owners to full time. Business owners, retired, telecommuting, whatnot. It used to be 80/20. 20% were local buyers. It's now closer to 50/50. It's a good opportunity to bring in people to buy either who are retiring or starting their own business. We're going to have 6 units that are deed restricted. 4 of

those units will have an AMI target. It's well below construction cost of the unit. It's a good opportunity for local to get an in-town unit with underground parking, modern finishes, an elevator, and all the amenities.

Elena Scott, Norris Design presented about site design landscape. Small site but created a building to maximize views, and work with pedestrian connection. Really tried to activate the corner of Main & La Bonte with some nice architecture. 2 parking spaces per unit which meets code requirements. From landscape perspective what we wanted to do as part of revitalizing Town Core, we tried to create nice streetscape around perimeter of building that would guide them to other destinations in the Town. We looked at existing streetscape around other areas of Town to get some ideas, that's how we came up with clusters of trees. Dillon is known for having nice pocket parks around Town so thought this would be a good opportunity to bring one of those into this project. This would have seating, little picnic table. A gathering place. Currently there is a small social trail where we have the pedestrian path cutting through. It was important to create nice design to compliment the nice things already in Dillon and bring in another great project.

Bobby Craig, Arapahoe Architects presented. For years have seen potential in Dillon Town Core, this underutilized gem in the heart of Dillon. Finally we have a project hitting the ground making traction. The site is conducive for large building on Lot A. We chose to put additional parking on Lot B. Under building are 27 spaces. Allows every unit to have one covered parking space. Each unit will also have storage area for bikes, skis, etc, also on that lower level. There is a grade change from South to the North of about 6-7 feet. So the garage area, while exposed at the South, is buried half way at the North end. It allows us to follow the design guidelines. We consulted with Roth Sheppard and they said you're doing good. Concept is 1-story base, 3-story mid-section, and cap that is roof form and what people are referring to as either 4th or 5th story. That allowed us to create 3 bedroom units which will offset the loss for selling deed restricted units. The design checklist a lot of it is not applicable here. We did want to create a solid base so it's anchored. The design checklist encourages Lakestyle if by lake, Mountain if by mountain. We're in between so we incorporated pieces of both styles. Using cementitious siding, it's fiberglass reinforced cement siding that on the surface has texture of wood. From distance of 10 feet it looks like wood. Very low maintenance. At base rock is low maintenance. There are decks, pop outs everywhere. We didn't go cheap on any side because you can see it from all 4 sides.

Tim Crane, one of things they try to think about is, what is the benefit to the buyers and to the community? It's a 2-way street. Not just us trying to sell something. Trying to bring positive benefit to community we're building in. We look at each site and design something that appeals to buyers but also community. This is part of urban renewal project. We feel this not only provides residents to all the amenities of the Town of Dillon, but it also provides patrons to the bars, restaurants, marina, pavilion, and to all aspects Dillon has. We see this really as a 2-way street. We're providing benefits to the community. And the community is providing benefits us in terms of a desirable place to build and sell. We're building 6 units for locals and deed restricting them. We're improving vacant land and trying to provide access to the rest of the community providing paths through the site. We feel this works well for both parties. We meet all code requirements of Town of Dillon, meet landscape, parking, height restrictions. We have blessing of Town architect. We're here to answer any questions.

PUBLIC HEARING:

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

Vice Chair Teresa England opened the public hearing at 6:02 p.m.

Recording Secretary Corrie Woloshan read a letter dated July 25, 2017 from Steven Skulski, Assistant Chief/Fire Marshal, Lake Dillon Fire District, 225 Lake Dillon Drive with concerns 1) A construction permit through the fire department is required for this building. 2) Based on the square footage, occupancy type and building height, the building will require a fire sprinkler system, fire alarm system and standpipe system. Please have the developer/contractor contact the fire department for details on permits required. 3) They would be happy to meet with the developer to discuss fire code issues.

Recording Secretary Corrie Woloshan read a letter dated July 28, 2017 from Jim Florey, Lodge at Lake Dillon Condo Association President objecting to the application of Dillon Flats Condos and requesting the Town use your authority to reign in the developer to a more reasonable proposal which does not negatively impact their neighbors. The Board is opposed for the following reasons: 1) Height of five story structure is excessive. Parking could be below grade and luxurious unit on top floor could be eliminated. A three story structure would be more in conformance with Town of Dillon height requirements. 2) Parking and Landscape are inadequate. The image of the Town of Dillon are not enhanced by more parking lots and less green belts and open space. 3) The five story structure obstructs mountain views. Who wants to look at a five story condo building when they had a view of the Mountains. 4) When the Lodge at Lake Dillon was first developed the subject property was represented as “greenbelt” to be maintained by the Town of Dillon. Structural density does not improve the quality of life anywhere.

Recording Secretary Corrie Woloshan read an email received July 26, 2017 from Ron Kutsch, resident of the Chateau Claire condos, against the project or at least the height of this property. The main reason is that I believe this property will obstruct the views of the 10 Mile Range that we currently enjoy and one of the reason we purchased the property. If this project goes forward, my mornings will be spent looking at the back side, typically the ugly side, of a 5 story building. Although it is proposed as 4 stories, the parking garage is an additional above grade floor that should be taken into account when determining the height. I am all for advancing the Dillon city core, but I would rather see this property developed into a low profile commercial, restaurants and shopping, building than a 5 story condo.

Recording Secretary Corrie Woloshan read an email received August 1, 2017 from Rabbi Joel Schwartzman, resident 220 E LaBonte St concerned as to how this project will impact the residents of our Lodge at Lake Dillon building. 1) Will this project include any “Affordable Housing” units and how will they be regulated and/or managed? 2) What is the projected price range of these condos which will not be in the range of “Affordable Housing”? I am concerned about the height of this building as well as the length of time and the projected start time/season of the construction itself. As with any construction of this nature, there will be noise, increased particulates in the air and potential traffic problems. I would hope that, should this project be approved, there will be no blockage with the entrances to the Lodge at Lake Dillon. I am not hostile to this plan, but would like some assurances about my concerns.

Recording Secretary Corrie Woloshan read a letter received August 2, 2017 from Robert Winstead, 12 year Marina Place owner. The Town of Dillon is blessed with the best, most unique townsite in Colorado. Dillon’s townsite is not in a valley. It is on top of a hill. We don’t look up at the mountains, we look out at the mountains. The Town recognizes this unique advantage on page one of the Comprehensive Plan. I like Dillon’s brand statement, because it recognizes the first, most obvious, important element of the Dillon brand. The views are awesome. But there is a risk, when your town is looking *out*, not *up* at the mountains. The view, your brand, is extremely sensitive to what you build in the town. We cannot change the mistakes of the past, but we can avoid repeating them. I applaud the Gateway initiative that the town is taking at the top of the hill, and I appreciate the caution exercised in its implementation. However, I deplore the belief that the same zoning and building policy can be

applied to the flat section of the town core south of Buffalo Street. It defies line of sight geometry and does not account for the dense, street-block layout of the core. Breckenridge and Frisco have established policies to preserve the historic character of the town, ensure a human scale to development, and protect their mountain views. Our own town Design Guidelines recommend a “two-story datum”. The architects know that a two-story building is scaled to be pleasing, and welcoming to humans. If you build something taller than two stories, you must still create a street-level impression of a two-story building. I suggest, that if the third and fourth stories obscure what residents really want to see in their mountain town, the *impression* of a two-story building is not adequate. In short, this building, and current zoning policy for this section of town, present some serious conflicts. I suggest you hit the pause button. I understand that, unless zoning is changed, the current property owners in the town core have the right to maximize the use, and value, of their property. For now, the property in question is ours, and we can choose to use this property to protect the brand and character of Dillon.

Pam Wilson-English, Marina Place 231: Owner for over 20 years. Bought end unit because it has 360° view. Concerns: 1) It wasn't addressed about the outside light, how is that being addressed? Is 4 stories higher than the current CMC building? I'd be looking straight into someone's window with lights coming in all the time. 2) Price. Understand we're providing housing for workers but I'm not sure how that helps Marina Place value. Now we have more traffic, more dog waste. I can't imagine the deadline, dust, work hours, my family's security, because we're right across the street. 3) The pocket park, sorry but I'd like to see retail. CMC might want it but I don't go there, I go down to the lake. I don't see that. That is not a sell. 4) I saw just one entrance to the parking garage that's right at my window. The extra traffic, noise, with the ski season you can have 10 to 12 people coming and going at all hours of the evening. Bowling is the only thing to do on this side of Town. We don't have the foot traffic. 5) How does this really benefit Dillon? It does not benefit anyone on La Bonte. I strongly object.

Jennifer Payne, Lodge at Lake Dillon #230, 232, 234: We directly face this project. We specifically bought these units based on our view. It will be a detriment to our building to sell later on, to enjoy, to choose to offer for a rental. I no longer have a sellable view which was part of our reason to buy. Other reason was, it's not Vail. We wanted a small town, a small town atmosphere. I would love to see more bars and restaurants, more retail. But if you're telling me there are 6 deed restriction, there are 6 people that will benefit from this project. The gains are to the developers with the higher end units. I don't think this is the place for this structure. I don't feel this is something we need. We don't need massive glamorous high structures in town that are eventually going to be priced out of reach. The fact you think 50% full time use that this is just rental income, and as Marina Place said, there's only one way in and out. I don't see this as an income generator for the Town of Dillon. We need more business and we need more draws for business. Personally I'm losing my view. I object to this plan.

Rob Mitchell, 414 Marina Place: What is the benefit to the Town of Dillon for this? Do we have something that gives more than the initial sale of the property?

Carolyn Tiller, 605 Oro Grande: Live in a community of 28 houses. Moved here to get out of Wisconsin in 2002. Since then our neighborhood has become a conglomeration of homes that have 10-12 renters in them. Nothing is ever enforced, to my experience. I think once this project is built it will become rentals and we can't get anything enforced. It doesn't matter what gets passed, nothing gets enforced. It will be a downward slide.

Lance Harshbarger, Chateau Claire Unit 10, 240 E La Bonte: I would like clarity. If you were able not to have parking underneath as 1st floor, would it drop height of building?

Gary Reichelt, A301 Lake Cliffe Condos: Licensed engineer. Know the city is trying to do some things. Only bought about 2 years ago. Think the developer and architect did a good job with the site. Have met code of the Town. I echo the height issue. It starts a trend I'm concerned with. I think we need as much green space as we can get, I think we could make pocket park even bigger. Whenever someone says they're from Dillon they have a sense of pride. Green space and height are concerns. I wonder where Dillon is going, is this going to be condos going up everywhere? I've seen other communities like Breck do this, and I don't think it's a positive.

Nita Lisa Jorgenson, 309 Tenderfoot: 1987 purchased. Works in Dillon. Thinks it's too tall. I would feel bad for the people who live across and have their views taken away. If it could be brought down one level. I just think it's too big for the space. I walk by it every day on my way to work. It feels so constricted and confined. This overall feeling of going up and up. I don't think it fits in with what we have going on here now.

Jennifer Payne, Lodge at Lake Dillon #230, 232, 234: Not clear because of the easement issue. Could this have been 2 stories that went the whole length of the lot with parking underneath?

Al Baker, Marina Place 427: Had house in Arvada with fantastic view. If I'd have lost that view when I sold my house I would have lost \$300,000. People thought I was completely nuts for asking what I was asking, but I got what I was asking because of the view.

Tim Crane – Brighton one of his earliest experiences, thought wouldn't this be a great place for a commercial strip. Everyone we pursued said demographics weren't right. We built residential. Guess what's happened since. Rooftops drive retail. Without them you can't have businesses. HOA maintained buildings are extremely important. Some of the buildings we put up 20 years ago look better than they did when built. They have scheduled maintenance, grounds, insure the building. There's a private ownership and you're not going to let your building not be landscaped or painted. It's important to maintain the property value. In terms of site planning, yes we maximized the sites economic value. Parking garages are extremely expensive. It's also more common in the mountains to have a semi-buried parking where at least a portion of the garage is graded. One of the ways we're able to offer deed restricted is because of the market units. For any changes in structure would alter that pro-forma. To finance these projects I have to meet that pro-forma. We try to maintain clean safe worksites. We have 7 job sites currently throughout the county. We have a full time safety administrator, that includes trash, dust, noise. A site like this will be fenced. We'll manage construction worker parking and the Town already has start stop work times. We try to be a good neighbor before, during, and after the process. If people are concerned get with me. I have a track record of trying to work with my neighbors. Right now we have sidewalk lighting and exterior light on the dumpster. On building lighting, it's all downcast lighting.

Commissioner Jerry Peterson – Is stonework natural? Tim Crane – Yes. Natural stone is same price as cultured stone. And artificial stone doesn't last as long. Mag chloride breaks it down. Natural is less of a maintenance issue to the HOA.

Tim Crane – We've been struggling with price. When doing the market analysis there were only 2, 2-bedroom units for sale. Not a lot of comparables. \$425/square foot. Hoping for 10 months construction process from breaking ground in September or October.

Commissioner Kevin Stout – This winter the pocket park area ended up being snow storage because we had nowhere else to put it. How are we going to accommodate the loss of this space? Dan Burroughs, Town Engineer – We did preserve some snow storage. And in Town Center the plan is we haul it off to the cemetery. So this is temporary storage anyway.

Commissioner Kevin Stout – I was property owner at La Riva and I remember parking issues especially around the Farmers Market. Are these deeded parking spaces and how do you keep overflow out during big events? Tim Crane – Spaces under building will be deeded and assigned. Parking outside will not be deeded so there's flexibility in how people can park. It's policing activity and education. It's something the HOA might have to set out a sign on high traffic days. Commissioner Kevin Stout – you have 2 parking spaces per, but you have no idea who the 2 are. So you run the risk of renting a unit out to 4 or 5 people that have 4 or 5 cars. That's going to be a problem. Tim Crane – When we do HOA docs we try to minimize rules. We try not to be overly burdensome because every Board adopts their own rules. Commissioner Kevin Stout – From a practical standpoint, I encourage you to give some control to that parking so we don't have a war like La Riva and the Farmers Market.

Commissioner Kevin Stout – Snow removal off the decks, how does that get accommodated given zero lot lines and all the decks? Dan Burroughs, Town Engineer – It's actually not zero lot lines. It is a good comment. Tim Crane – These are 100% covered with roofs, it provides a better cover.

Commissioner Kevin Stout – From a code standpoint, are we within code as proposed? Dan Burroughs, Town Engineer – Yes, 100%.

Commissioner Jerry Peterson – Underground parking. I stayed at a hotel in Park City and sprinklers were hanging down. You had to drive around them. Do you have an alternative? Tim Crane – We met with structural engineer. It is fully sprinklered including fire department connections so they can connect to the building. The header at the garage door entry that normally takes bikes off roofs will be higher than the 8 foot garage. So you won't hit sprinkler heads. A Suburban can make it in just fine. Vice Chair Teresa England – If someone wants to get out of the end space, can they back out? Tim Crane – Yes, we have 3 of these parking garages and it works. This has to fall under sustainable code.

Vice Chair Teresa England – Seating in pocket park, who do you envision using it? Tim Crane – We envision a bit of a community space so if you want a picnic, that's its intention. Vice Chair Teresa England – My concern is it will be used by patrons of the bars. Dan Burroughs, Town Engineer – We have benches everywhere and they get used. Commissioner Kevin Stout – We have similar pocket park at the La Bonte intersection with a couple benches. I see people in there frequently.

Pam Wilson-English, Marina Place 231, Is there a procedure, we just got the letter 10 days ago? I disagree that there isn't more disagreement. Are there petitions or something I can do as a citizen? I live in Evergreen, but there are too many people out of Town. Dan Burroughs, Town Engineer – For Level III applications, we are required to publish in the paper 7-14 days before hearing. Optional to send out mailing within 300 foot radius, and we do. That's the procedure that's in our code that we follow.

Mike Bennett, Lodge at Lake Dillon owner for 4 years. View is integral to value of the property, I'm against it for that reason. Realize Dillon needs things like this to bring people in Town, I just think it's too high.

Vice Chair Teresa England closed the public hearing at 7:06 pm.

Commissioner Jerry Peterson – Having a hard time putting an extra story on for 2 bedrooms. Doesn't make a whole lot of sense. Vice Chair Teresa England – It's 4 bedrooms. Did town architect explain, is that to give it a peaked appearance? Bobby Craig – Didn't change height of building. Had lot of roof

elements already incorporated into design. Basic is to add that story into the height of the roof to add some interest.

Commissioner Jerry Peterson – As far as views and heights, originally people were peddling their lots and no one would have their view obstructed. Height restrictions were 24 feet because we didn't have fire ladders that would go above 24 feet. That worked for about 30 years. I completely understand views. That's one of the reasons we live in the mountains. Kind of seems like a wart sticking up to me.

Commissioner Kevin Stout – I'm coming at this from code. Simple fact is building fits within the code and master plan. Lot of these things have been in development for years. Having watched some of the recent proposals, the Town is not arbitrarily approving a building of any height. I look at this from standpoint of code, architecture, master plan and it fits with what Town has defined.

Commissioner Kevin Stout moved to approve Resolution NO. PZ 08-17 Series of 2017. Vice Chair Teresa England seconded the motion, which passed unanimously upon roll call vote.

CONSIDERATION OF RESOLUTION NO. PZ 09-17, SERIES OF 2017; 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 313 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 Apartment at 313 Tenderfoot Street, Lot 13, Block K, New Town of Dillon Subdivision, Dillon, Colorado.

The proposed project involves converting a portion of the ground floor into an accessory apartment with a kitchen. 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: Dietl Accessory Apartment

Location: Lot 13, Block K, New Town of Dillon Subdivision

Address: 313 Tenderfoot Street

Owners: Gregory S. Dietl

Architect: NA

Development Application: Level III Conditional Use Permit for an Accessory Apartment; Residential Remodel Development Permit issued previously.

Application Date: July 17, 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 09-17, Series of 2017. This application does meet those provisions

Yards (Setbacks): The setbacks for the RL zone are 8' for the side yards, and 15' for the rear yard and 20' for the front yard (Sec. 16-3-130). No additions are proposed with the project, so the Application does not impact the setbacks.

Easements: No additions are proposed with the project, so the Application does not impact any easements. (Sec. 16-9-10)

Parking: Two (2) dedicated parking spaces are required for the proposed continued use of the Accessory Apartment, and two (2) are indicated on the site plan submitted with the Application.

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: 1398 SF

Upper: 820 SF

Lower: 1092

Total: 3310 SF

Accessory Apartment, Lower Level: 1-Bed – 1-Bath / Kitchen with Oven: 720 SF

Percentage of Total SF: $720 \text{ SF} / 3310 \text{ SF} = 21.8\%$ (33.3% Permitted by Code)

Snow Storage:

Area to be cleared of snow: 2088 SF

Snow Storage Requirement: $2088 \text{ SF} \times 0.25 = 522 \text{ SF}$

Snow Storage Provided: 522 SF Dedicated, with an additional 465 SF emergency snow storage area indicated on the site plan.

Parking:

Parking spaces are provide in the garage for two (2) vehicles for the primary residence, along with exterior parking stacked in front of the garage. On one side of the driveway, two (2) exterior parking spaces are provided for the Accessory Apartment.

Water / Sewer Tap Fees (EQR's):

- Existing 4-Bed (includes Apartment) / 3-Bath home: 1.1 EQR assessed balance
- 0.55 EQR's additional assessed for 1-Bed / 1- Bath / Full Kitchen Apartment
 - 0.1 EQR credit for the Apartment bedroom already assessed = $0.65 - 0.1 = 0.55$
 - = $0.55 \text{ EQR} \times \$14,966.00 = \mathbf{\$9,727.90 \text{ due}}$

CONDITIONS OF APPROVAL:

1. The Applicant shall pay the required water and sewer tap fees: 0.55 EQR's balance due. Said fees shall be paid prior to issuance of the Conditional Use Permit.
2. The Applicant shall file with the Town the required restrictive covenant preventing subdividing

- into separate ownership.
3. The Applicant shall file with the Town a deed restriction that prevents short term rentals of the Accessory Apartment.
 4. 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.
 5. The Applicant shall submit Summit County Building Inspection documentation approving the Accessory Apartment space to be utilized as such. Such documentation shall be submitted to the Town prior to issuance of the Certificate of Occupancy.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution PZ 09-17, Series of 2017.

Vice Chair Teresa England – There has been an extensive remodel going on for quite some time. How is this just now coming up? Dan Burroughs, Town Engineer – It was previously rented space. You can rent a room in your house. They were given the option to have legal accessory apartment with full kitchen, or have a 4-bedroom house. There's already a kitchen there.

PUBLIC HEARING:

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

Vice Chair Teresa England opened the public hearing at 7:20 p.m.

Greg Dietl, owner & contractor 313 Tenderfoot – Intention to bring building up to code. 70's vintage construction. Put in new boilers, roof, windows. Anne Marie Ohly is property manager and realtor. I don't want an abandoned apartment, it's a liability issue. We have a building permit for this. The difference between accessory apartment and a bedroom is one, 240-volt outlet that would be plugged into the stove. County won't give certificate of occupancy until I have your approval.

Carolyn Tiller, 605 Oro Grande. My concern is not about the accessory apartment because we all pretty much have them. Who is responsible for regulating how many human bodies can go into these places? If there is a zoning rule on it, who enforces it? Anne Marie Ohly – Been doing property management in the County for 38 years. We have many units like this and we are the enforcer. We are very strict, this is going to be a beautiful home and we want it to remain this way. Carolyn Tiller – As good as property managers are, there has to be some sort of enforcer that fines the owner. Anne Marie Ohly – Have been managing Greg's properties for 24 years. He can tell you the condition they're in, who's in them. I'm not concerned.

Recording Secretary Corrie Woloshan read a letter dated July 26, 2017 from Bonnie Boex, 312 Tenderfoot St against granting a conditional use permit for an accessory apartment at 313 Tenderfoot, against allowing a homeowner to rent an entire household without residing at the home as the property owner, and suggesting Planning & Zoning change the rules to reflect the same.

Recording Secretary Corrie Woloshan read an email received July 26, 2017 from Karin & Paul Hoagland, 317 Tenderfoot expressing they are fine with the proposed changes to 313 Tenderfoot.

Vice Chair Teresa England closed the public hearing at 7:26 p.m.

Vice Chair Teresa England – Is this an investment property? Are you going to live in it or are you renting it? Greg Dietl – Renting it. Dan Burroughs, Town Engineer – Town Manager has been working on coming up with new rules because of the shift in the industry. As of right now there’s nothing that says you can’t rent the house and the accessory. We do about 3 or 4 of these a year now. Whether the owners are actually the occupants, I don’t know. There’s nothing in the code that says they have to. That’s something we need to clarify, the Town of Dillon hasn’t made a rule yet.

Vice Chair Teresa England – No fire code issues? Dan Burroughs, Town Engineer – No, they’ve met all of code. Anything County tests for they will have to meet before they get a certificate of occupancy.

Vice Chair Teresa England – Will there be landscaping because it’s quite barren. Greg Dietl – In back of building there had to be fire separation 30 feet back from line of the house.

Commissioner Kevin Stout – Live on corner of Gold Run. What you’ve done is great. That you’re investing in the property is great. At the same time, also want to make sure we have some degree of control over renters in this area. There are a couple renters down there. By the way, I have a renter on my property as well. Will the contract downstairs and upstairs be long term? Greg Dietl – Yes, each of them will be 1-year leases. Commissioner Kevin Stout – I would encourage the Town that we need to accelerate discussions about code changes. It only takes one person to ruin an entire area of which we all have a significant investment in.

Commissioner Jerry Peterson moved to approve Resolution NO. PZ 09-17 Series of 2017.
Commissioner Kevin Stout seconded the motion, which passed unanimously upon roll call vote.

OTHER BUSINESS

Dan Burroughs, Town Engineer – At next meeting September 6 we will have 2 applications. Council has been talking about doing a joint work session with Planning & Zoning in September. We started working on code changes for the whole code. We need to look at zoning section 16 and see what doesn’t fit, what would be good to add. Start talking about a rule for renting. Agenda item next meeting, discuss accessory apartments.

Commissioner Kevin Stout – General need to discuss occupancy. Dan Burroughs, Town Engineer – What are the real impacts we’re trying to address? Noise, disruption, wear and tear on property, parking, trash. The people that don’t own don’t take care of it. Would like to hear from the Fire Department, Police Chief, Town Manager and Town Attorney.

Commissioner Kevin Stout – Where do we stand on height restriction and how it’s changing? Dan Burroughs, Town Engineer – Town Council coming up with limits on what’s too high. They’ve tabled that for now.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:12 p.m.

Respectfully submitted,

Corrie Woloshan

Corrie Woloshan
Secretary to the Commission