

RESOLUTION NO. PZ 02-18
Series of 2018

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A ONE YEAR EXTENSION OF THE APPROVAL PERIOD FOR THE APPROVED CONDITIONAL USE PERMIT ALLOWING A STREET LEVEL RESIDENTIAL USE AT THE APPROVED DILLON GATEWAY PLANNED UNIT DEVELOPMENT, LOCATED AT 240 LAKE DILLON DRIVE, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Planning and Zoning Commission of the Town of Dillon (“**Planning Commission**”) has received a Level III Development Application from Dillon Gateway, Inc. (the “**Developer**”) requesting a one (1) year extension of the approval period for a previously approved Conditional Use Permit for a street level residential use at the approved Dillon Gateway Planned Unit Development (“**Application**”); and

WHEREAS, the Town Council of the Town of Dillon previously approved a Level IV Development Permit for the Dillon Gateway Planned Unit Development (“**Permit**”) on February 2, 2016, by passing Town Council Resolution No. 02-16, Series of 2016; and

WHEREAS, the Town Council of the Town of Dillon previously approved a Level III Development Permit for a conditional use permit allowing a street level residential use at the Dillon Gateway Planned Unit Development (“**Permit**”) on February 2, 2016, by passing Town Council Resolution No. 03-16, Series of 2016; and

WHEREAS, the existing Permit shall expire on February 1, 2018; and

WHEREAS, the Town of Dillon Municipal Code of the Town of Dillon (“**Code**”) allows an approved Level III Development Application to be extended for a period not to exceed one (1) year by utilizing the Level III Development Application process; and

WHEREAS, the Planning Commission has determined that the Application is complete; and

WHEREAS, following the required notice, a public hearing on the Application was held on January 3rd, 2018, before the Planning Commission; and

WHEREAS, following the public hearing the Planning Commission 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

development should attach to the recommendation for approval of the Application for the Crossroads at Lake Dillon Planned Unit Development.

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

Section 1. That the Planning Commission, following the required notice, held a public hearing on January 3rd, 2018 on the Application, and following said public hearing makes the following findings of fact:

- A. That the Application is complete.
- B. That the Application meets the applicable Town of Dillon Municipal Code (“Code”) requirements.
- C. That the Application is compatible with the Commercial Zoning District and is compatible with surrounding uses.
- D. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.

Section 2. That the Planning Commission hereby recommends approval of the Application with the following conditions:

- A. The expiration date of the Permit shall be extended by one (1) year and shall have a new expiration date of February 2, 2019.

APPROVED AND ADOPTED THIS 3rd DAY OF JANUARY 2018 BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

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

By: _____
Amy Gaddis, Chairperson

ATTEST:

By: _____
Corrie Woloshan, Secretary to the Commission

**TOWN COUNCIL ACTION ITEM
STAFF SUMMARY
JANUARY 3, 2018 PLANNING AND ZONING COMMISSION MEETING**

DATE: December 15, 2017

AGENDA ITEM NUMBER: 6

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 02-18, Series of 2018;

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A ONE (1) YEAR EXTENSION OF THE APPROVAL PERIOD FOR THE APPROVED CONDITIONAL USE PERMIT ALLOWING A STREET LEVEL RESIDENTIAL USE AT THE APPROVED DILLON GATEWAY PLANNED UNIT DEVELOPMENT, LOCATED AT 240 LAKE DILLON DRIVE OR MORE SPECIFICALLY ON LOT 1DEF, BLOCK B, NEW TOWN OF DILLON SUBDIVISION, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

PUBLIC HEARING:

The Planning and Zoning Commission shall open a Public Hearing on the application and hear testimony from Town staff, the applicant, and any public testimony submitted during the Public Hearing.

SUMMARY:

The Town of Dillon has received a Level III Development Application for a one (1) year extension of the previous approval of the Conditional Use Permit associated with the approved Planned Unit Development for the Dillon Gateway project located 240 Lake Dillon Drive. The Conditional Use Permit was granted to allow for a residential use on the ground floor of the proposed building. A Conditional Use Permit is required for a ground level residential use in the Core Area (CA) zone. The Conditional Use Permit was approved by the Planning and Zoning Commission by Resolution PZ 20-15, Series of 2015 on December 2nd, 2015, and then by the Town Council by Resolution 03-16, Series of 2016 on February 2nd, 2016. The Town Council approval is the approval date for the Conditional Use Permit (see the attached Resolution 03-16, Series of 2016 approved February 2, 2016). The Conditional Use Permit is tied to the PUD approval, therefore, the Conditional Use Permit requires an extension along with the requested PUD extension.

Section 16-1-110 of the Dillon Municipal Code stipulates that a Level III Development Permit approval is valid for two (2) years from the date of approval, and may be extended one (1) year if an extension is applied for and approved prior to the expiration of the approval. The extension requires a Level III Development Permit process review. A Level III application requires a Public Hearing before the Planning and Zoning Commission for consideration of approval. Approval of Resolution PZ 02-18, Series of 2018 during the January 3, 2018 Planning and Zoning Commission meeting will satisfy the time constraint provided by the Code for an

extension.

PUBLIC NOTICE:

The Town posted a sign of the Public Hearing on the site. A newspaper ad ran in the Summit Daily Journal on Friday, December 22, 2017, and a mailing noticing the Public Hearing time and date was sent out on Wednesday, December 20, 2017 to property owners within 300' of the proposed development. The property was posted on Tuesday, December 26, 2017. The dates of public notice are all within the required 7-14 day notice period before the Public Hearing on January 3, 2018 (Sec. 16-2-110(e)(2)).

ZONING:

The proposed project is located within the Core Area (CA) Zone District.

PROPOSED GROUND LEVEL RESIDENTIAL USE:

See the attached previous Planning and Zoning Packets for the Gateway PUD project.

- Resolution PZ 20-15, Series of 2015 Complete P&Z packet – Conditional Use Permit Review

STAFF RECOMMENDATION:

Town staff recommends approval of the Level III Development Permit Application for a one (1) year extension for the Gateway PUD Conditional Use Permit for a residential use on the ground floor in the Core Area zone.

ACTION REQUESTED: Motion, Second, Roll Call Vote.

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

STAFF MEMBER RESPONSIBLE: Dan Burroughs, Town of Dillon

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RESOLUTION NO. 03-16
Series of 2016

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A RESIDENTIAL USE ON THE GROUND FLOOR OF THE PROPOSED DILLON GATEWAY PLANNED UNIT DEVELOPMENT LOCATED AT 240 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 to allow a residential use on the ground floor of the proposed Dillon Gateway Planned Unit Development located at 240 Lake Dillon Drive, Dillon, Colorado; and

WHEREAS, the Town of Dillon has received a concurrent Level IV Development Application for a new Planned Unit Development consisting of a restaurant, commercial space and 65 residential units called the Dillon Gateway Project. The development is located at 240 Lake Dillon Drive, more specifically described as Lot 1DEF, Block B, New Town of Dillon Subdivision, Dillon, Colorado; and

WHEREAS, following the required notice, a public hearing was held on December 2, 2015, before the Planning and Zoning Commission of the Town of Dillon on the application for a conditional use permit to allow a residential use on the ground floor of the proposed Dillon Gateway Planned Unit Development located at 240 Lake Dillon Drive, Dillon, Colorado; and,

WHEREAS, following the public hearing, the Planning and Zoning Commission of the Town of Dillon has made certain findings of fact regarding the application for a conditional use permit to allow a residential use on the ground floor of the proposed Dillon Gateway Planned Unit Development located at 240 Lake Dillon Drive, Dillon, Colorado; and,

WHEREAS, the Planning and Zoning Commission of the Town of Dillon approved Resolution PZ 20-15, Series of 2015, on December 2, 2015 and made a recommendation to the Town Council of the Town of Dillon to approve the application for a conditional use permit to allow a residential use on the ground floor of the proposed Dillon Gateway Planned Unit Development located at 240 Lake Dillon Drive, Dillon, Colorado with certain conditions which are reasonable and necessary to and relate to impacts created by the proposed Dillon Gateway Planned Unit Development; and,

WHEREAS, following the required notice, a public hearing was held on January 5th, 2016, before the Town Council of the Town of Dillon on the application for a conditional use permit to allow a residential use on the ground floor of the proposed Dillon

Gateway Planned Unit Development located at 240 Lake Dillon Drive, Dillon, Colorado; and,

WHEREAS, the Town Council of the Town of Dillon has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the proposed conditional use permit to allow a residential use on the ground floor of the proposed Dillon Gateway Planned Unit Development located at 240 Lake Dillon Drive, Dillon, Colorado.

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

Section 1. That the Town Council of the Town of Dillon, following the required notice, held a public hearing on January 5th, 2016, on the application for a conditional use permit to allow a residential use on the ground floor of the proposed Dillon Gateway Planned Unit Development located at 240 Lake Dillon Drive, Dillon, Colorado, consisting of a single one (1) bedroom residential unit; and following said public hearing makes the following findings of fact:

A. That the application for the conditional use permit for a first floor residential use is complete.

1. *The application details the location of the first (ground) floor residential unit and describes the floor level as the "Main Level"; all other residential uses in the proposed PUD building are above this floor elevation.*
2. *The application for the first (ground) floor residential unit is a concurrent application for approval of the Dillon Gateway PUD.*

B. That the proposed conditional use meets the general criteria set forth in Chapter 16 "Zoning", Article V "Planned Unit Development", Division 1 of the Dillon Municipal Code of the Town of Dillon, Colorado, as stipulated in Section 16-3-150 Core Area (CA) Zone, Subsection (4) "Conditional uses in conjunction with a PUD".

1. *A Conditional Use Permit for the proposed first (ground) floor residential unit in the proposed building as part of a PUD is consistent with the zoning provisions of the Core Area (CA) zoning district.*
2. *Zoning provisions of the Core Area (CA) zoning district remain for the parcel except for those that deviate from the underlying zone through the PUD process.*

C. That the potential impacts of the proposed first (ground) floor residential unit in the PUD meet the development standards set forth in Article V, Division 2 as stipulated in Section 16-3-150 Core Area (CA) Zone, Subsection (4) "Conditional uses in conjunction with a PUD".

1. *The proposed first (ground) floor residential unit is compatible with the neighborhood, and is a small part of the whole PUD project.*
2. *The proposed first (ground) floor residential unit has its own leisure open space in the form of a patio similar in dimension to the balconies provide for the other residential units in the proposed PUD.*
3. *The impacts on density on the parcel from the proposed one (1) bedroom residential unit on the first (ground) floor are negligible, as it represents less than one percent (>1%) of the total one hundred twenty two (122) proposed residential bedrooms in the project. Section 16-5-120 "PUD Development Standards", Subsection (e) states, "Buildings utilizing vertical mixed uses are encouraged in the Core Area Retail (CA) zone." The proposed concurrent PUD building encompasses a vertical mixed use design as is encouraged in the Core Area (CA) zone. The proposed PUD building contains sixty-five (65) residential units, with only one being proposed on the first floor. The remaining first (ground) floor uses are a restaurant, two (2) retail spaces, and garaged parking for the residential use in the building.*
4. *The proposed building height is not impacted by the proposed first (ground) floor residential unit, as it is a small part of the total square footage of the first (ground) floor of the building, the majority of which is restaurant and retail space.*
5. *The proposed first (ground) floor residential unit will not negatively impact the proposed street circulation system for the project.*
6. *The proposed one (1) bedroom residential unit on the first (ground) floor requires that one and a half (1.5) off street parking spaces be provided. The proposed PUD provides the required parking on site for the proposed first (ground) floor unit, as well as all other residential uses.*
7. *Pedestrian circulation is not impacted by the proposed one (1) bedroom residential unit on the first floor.*
8. *The PUD provides landscaping throughout the project, and some is proposed immediately adjacent to the proposed open space patio for the first (ground) floor residential unit.*

D. That the proposed conditional use meets the criteria set forth in Article V, Division 3 as stipulated in Section 16-3-150 Core Area (CA) Zone, Subsection (4) "Conditional uses in conjunction with a PUD". The application for a conditional use permit for a first (ground) floor residential use complies with the specific requirements of Section 16-5-220 "Conditional use criteria", as detailed as follows:

1. The use is listed as an allowed 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.

The site is zoned Core Area (CA). A Residential Use on the first (ground) floor is permitted in the Core Area (CA) zoning district by a conditional use permit when associated with a PUD. The proposed first (ground) floor residential use is part of a concurrent PUD application.

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.

The proposed first (ground) floor residential use is a small part of the concurrent application for a PUD on the parcel. The conditional use permit application is for one (1) residential unit on the first (ground) floor of a multi-use building having retail spaces, a restaurant, and parking on the main level, with multi-family residential above. The PUD is designed utilizing the relative grades across the site to an advantage in creating general access to the building and garaged parking for the residential use in the building. The size, shape, location, topography, soils, slope stability, drainage, and natural features are not anticipated to be affected by the proposed first (ground) floor residential use.

3. The proposed conditional use will not have significant adverse impacts on the air or water quality of the community.

The first (ground) floor residential unit is not anticipated to have any impacts on community air or water quality. The concurrent PUD application proposes modern, energy efficient construction, landscaping, and site storm water detention to maintain 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.

The proposed one (1) first (ground) floor residential unit will not substantially limit, impair, or preclude the use of surrounding properties. The site has an existing multi-use building with a residential use on a walk-out basement level, coexisting with an active restaurant business. Neighboring properties have both commercial and residential uses, and some neighboring properties are mixed use commercial / residential buildings.

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

The existing site is already served by gas, electric, water, and sanitary sewer facilities. No additional utility needs have been identified by the applicant.

E. 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 Town Council of the Town of Dillon does hereby approve a conditional use permit for a first (ground) floor residential use for a one (1) bedroom residential unit at 240 Lake Dillon Drive, Dillon, Colorado with the following conditions:

1. The concurrent Level IV development application for the Dillon Gateway PUD at 240 Lake Dillon Drive (Resolution 02-16, Series of 2016) is also approved by the Town Council of the Town of Dillon.

2. The applicant shall submit final construction documents for Town approval which include the construction of one (1) residential unit on the ground floor of the proposed PUD.


3. The Conditional Use Permit shall run with the land so long as the ground floor residential unit is in the general location and configuration as shown on the Dillon Gateway PUD application.

**APPROVED AND ADOPTED THIS 2ND DAY OF FEBRUARY, 2016 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, Town Clerk



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