

Town of Oak Creek

Land Use Application

Staff Report

PETITIONER:	Matthew Wagar, Moon Hill Design, Inc.
PETITION:	Land Use Changes of Minor Impact Redevelopment of site with new structure and change of use.
PLANNING COMMISSION HEARING DATE:	February 16, 2022
TOWN BOARD HEARING DATE:	February 24, 2022
STAFF CONTACT:	David Torgler, Town Administrator/Clerk
ATTACHMENTS:	Cover letter Application Narrative and staff review Permit Set (including site plan and elevations) Warranty Deed

HISTORY AND PROJECT DESCRIPTION:

The property located at 231 E. Main Street is part of the Original Town of Oak Creek, comprised of five parcels, and includes a car wash structure and open unbuilt land. The car wash has been unused for many years. The proposed new construction is for a single story, 24-foot high, barn like building that is intended to contain a self-serve beer and wine dispensary. The property redevelopment includes the main structure and exterior, roof covered patios outfitted with loosely arranged tables and chairs. Exterior patios will be accessible from the main structure through three (3) glass overhead doors. The developer proposes that food will be provided by a mobile, site contained "food truck" and/or local existing food establishments. Confirmation from State Liquor Enforcement officials that the proposed food service will meet State requirements has to be established. A Site Survey with Topography shows the property located at the intersection of Main Street and Lincoln Avenue as it currently exists with a two stall car wash, areas of mixed concrete, gravel and paved driving surfaces; and, steep terrain between Main Street and the alley to the north.

The property is approximately 0.36 acres (15,639 sq. ft.) in size.

COMPLIANCE WITH THE TOWN OF OAK CREEK COMPREHENSIVE PLAN

Section 17.01.03 (A) of the Land Use Code (Code) states that the Code is enacted to “[i]mplement the policy recommendations of the Town of Oak Creek Comprehensive Plan Update” (Plan.) Therefore any proposal should be considered in light of the applicable policies of the Plan. While the Plan contains numerous policies regarding land use, staff has selected the following checklist to highlight the policies most directly applicable to these applications. Interested parties are encouraged to review the Plan to determine if there are other policies that may be applicable to the review of these applications.

Chapter Two – Environment & Natural Resources

ENVIRONMENT - vegetation

Complies		Section	Policies
Yes	No		
<u> X </u>	<u> </u>	3.	The Town shall encourage downtown property owners to plant new street trees where feasible. <i>Staff comment: No new street trees are proposed, as there is a Town owned park separating the property from Main Street. The site plan shows turf area between the sidewalk and patio area; “turf” should be identified by what the owner means.</i>

ENVIRONMENT – Visual Character

<u> X </u>	<u> </u>	1.	Placement and height of new development within the Performance District 1 should be designed where feasible to avoid blocking scenic views from public rights of way, parks, and other public spaces. <i>Staff comment: The new construction will replace an unused brick structure in downtown Oak Creek and will not block scenic views.</i>
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CHAPTER 3. ECONOMY, LAND USE & COMMUNITY CHARACTER

Economy

Complies		Section	Policies
Yes	No		
<u>X</u>	_____	Economy 3.	The Town shall continue to work to support existing businesses and to identify and attract new businesses needed to meet local needs for a balanced level of commercial and light industrial activities. <i>Staff comment: The proposed new construction will be a new business in downtown Oak Creek, offering a new type of entertainment.</i>

Land Use & Community Character

Land Use Regulation

Complies		Section	Policies
Yes	No		
<u>X</u>	_____	1.	All new development shall be considered in light of compliance with existing master plans, adopted policies and guidelines. <i>Staff comment: The vision for Performance District 1 is to work to achieve an active, pedestrian-oriented district focusing on retail, civic and cultural establishments.</i>
<u>X</u>	_____	6.b.	New development in Performance District 1 shall be encouraged to fill in the vacant land between buildings. <i>Staff comment: The redevelopment of this site as proposed will provide new commercial use of an underutilized commercial space and will help to fill in Main Street with a new commercial use "between buildings".</i>
<u>X</u>	_____	8.	Commercial development shall be encouraged to locate within Performance District 1. 17.02.075 Commercial use. "Commercial use" means a use of property with its primary purpose to produce income from the sale directly to the public or indirectly to other establishments of goods or services in commerce. <i>Comment: This proposal is to provide a commercial space for customers and is located in Performance District 1.</i>

Chapter Four – Transportation & Infrastructure

Transportation - Sidewalks

Complies		Section	Policies
Yes	No		
<u>X</u>	_____	1.	The maintenance of sidewalks shall be the responsibility of individual property owners. <i>Staff comment: The property owner shall be responsible for sidewalk maintenance.</i>
<u>X</u>	_____	2.	The Town shall require sidewalks in Performance District 1. <i>Staff comment: The proposal provides new sidewalk along Lincoln Avenue. Sidewalk already exists along Main Street.</i>

COMPLIANCE WITH THE TOWN OF OAK CREEK LAND USE CODE

While the Land Use Code (Code) contains numerous regulations regarding land use, staff has selected the following checklist to highlight the regulations directly applicable to these applications. Interested parties are encouraged to review the Code to determine if there are other regulations that may be applicable to the review of these applications.

Chapter 17.03 – Development Applications, Review and Procedures

Section 17.03.06 – Land Use Changes of Minor Impact

These require one review each by the Planning Commission and the Board of Trustees and include:

Complies		Section	Standards
Yes	No		
<u>X</u>	_____	J.	Changes in use that are not exempt, have no impact or major impact. <i>Staff comment: The proposed commercial use falls into the Land Use Change of Minor Impact category.</i>

Complies		Section	Standards
Yes	No		
<u>X</u>	_____	K.	Establishment of any new commercial or industrial use if the proposed use will be located in a new structure. <i>Staff comment: The proposed commercial redevelopment will be located in a new structure.</i>

Chapter 17.04 – Public Service Standards

Section 17.04.03 – Water

Applicants for all land use changes must demonstrate that a reliable supply of water, both in terms of quality and quantity, is or will be available and adequate to serve the total needs of the development, to the degree required by C.R.S. 29-30-301. All new developments must connect to the Town water system.

Complies Yes No		Section	Standards
_____	<u> X </u>	E.	Construction Specifications. Engineering plans and specifications of all extensions, booster stations, etc., shall be approved by the Town Public Works Director. Engineering plans and specifications of all extensions, booster stations, etc., shall comply with the guidelines of and be approved by the Town Public Works Director.

Section 17.04.04 – Sewer

All new developments within performance districts 1, 2 and 7 must connect to the Town's sewage treatment system.

Complies Yes No		Section	Standards
_____	<u> X </u>	C.	Construction Specifications. Engineering plans and specifications of all extensions, booster stations, etc., shall be approved by the Town Public Works Director. Engineering plans and specifications of all extensions, booster stations, etc., shall comply with the guidelines of and be approved by the Town Public Works Director.

Section 17.04.05 – Electric system

Complies Yes No		Section	Standards
_____	<u> X </u>	B.	Underground Installations. For all new electrical hook-ups and extensions, whether supplied by power from the Town electric system or a private supplier of electrical power, all service lines, etc. must be installed underground in performance districts 3, 4, 5, and 6 where possible. Within performance districts 1, 2, and 7 undergrounding of service lines will be required at the discretion of the Public Works Director.

Chapter 17.10 – Community Design Standards

Section 17.10.08 – Landscaping Standards

Complies		Section	Standards
Yes	No		
		C.	Performance District One – Commercial, Institutional, Office and Mixed Use Landscape Standards.
<u>X</u>	<u> </u>	1.	Downtown landscaping is intended to provide an attractive environment for people to walk and shop. A town-approved landscape plan shall be required of all new developments in Performance District One to include one or more of the following: window boxes, planters, parking lot landscaping, street trees, sidewalk improvements or benches as appropriate to the site to enhance building entries and the streetscape. <i>Staff comment: The site plan shows “turf area” between the structure (including patio) and the streets. Recommend that “turf” be defined and included in approval.</i>

Complies		Section	Standards
Yes	No		
<u> </u>	<u>X</u>	F.	Trash receptacles of multi-family, commercial or office buildings should be screened from view from any public right-of-way by landscaping or fencing. <i>Staff comment: The proposed site plan needs to be revised to show the trash area and proposed screening as required by the land use codes, Section 17.10.08 F.</i>

Section 17.10.09 – Parking standards

Complies		Section	Standards
Yes	No		
<u>X</u>	<u> </u>	A.	Commercial uses in Performance District 1 are exempt from these requirements. <i>Comment: This property is located in Performance District 1.</i>

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Section 17.10.010 – Lighting

Complies		Section	Standards
Yes	No		
<u> </u>	<u> X </u>	A.	Exterior lighting, except for overhead street lighting, warning, emergency or traffic signals; sports field lighting; temporary holiday lighting; or lighting required by the building or fire code, shall be installed in such a manner that the light source will not detract from the dark sky enjoyed by the residents of Oak Creek. The following shall be required of all lighting fixtures: 1) fixtures shall be cast downward to prevent glare on public streets, walkways or into residential areas. Light shields shall be placed on fixtures to prevent light “spillage” to public or residential areas; 2) lights should use the lowest wattage possible to sufficiently light the intended area. <i>Staff comment: The owner did not provide a lighting plan. Because of the proposed structures large doors, patios and proximity to a residential neighborhood staff recommends that the owners provide a lighting plan for exterior and interior lighting that shows compliance as required by the land use codes, Section 17.10.10 A and B.</i>

Chapter 17.11 – Performance Districts

Section 17.11.01 – Performance District One

The following regulations only govern land within Performance District One.

Complies		Section	Policies
Yes	No		
<u> X </u>	<u> </u>	A.	
		2.	Vision for the Performance District: This district should work to achieve an active, pedestrian-oriented, retail district. Auto-oriented commercial uses shall only be allowed in Performance District One as a conditional use. Auto oriented uses permitted within Performance District One shall locate parking and automobile drive-thru facilities to the rear or side of the primary structure. Commercial uses are the preferred use for the first floor of all buildings along Main Street and Moffat and Sharp Avenues. <i>Staff comment: First floor commercial use is proposed. There are no parking requirements for Performance District One for the types of uses proposed.</i>

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3. Building and Site Design: The existing commercial buildings are primarily single story or story and a half with a few two story buildings scattered throughout the district. A majority of the buildings in this district are board and batten or masonry in a style reflective of a small western town. New construction in this district shall adhere to the following design regulation:
- X 3.a Appropriate architectural styles and form vary within the Town of Oak Creek; however, designers should look to the historic structures of Oak Creek for inspiration, e.g. Bonfiglio Drug located at 118 W Main, Dovetail Furniture located at 100 W Main, and the Lynx Realty building located at 130 E Main. *Staff comment: The architectural style is similar to existing downtown structures and the form varies.*
- X 3.c Entries and Windows. Transparent entries and large storefront windows at the street level are strongly encouraged. Office and residential windows organized in a generally regular pattern are encouraged. Recessed and other styles of window openings are desired. Blank walls over eight feet in length are prohibited at the street level. *Staff comment: The proposed building has large entries with roll-up doorways and the varied patio areas flow with the building, providing a variety of distances from Main Street. Large glass doors and windows are proposed along the east (Lincoln Avenue) elevation.*
- X 3.d Building Orientation. Buildings should be located to front on and relate primarily to streets. Building setbacks from local and collector streets shall be minimized in order to establish a visually continuous, pedestrian-oriented street-front. If a building is setback from the lot line, streetscape improvements shall be provided within the setback area, with proposed improvements reviewed by planning and approved by the Town Board. *Staff comment: The site is a Main Street property. The proposed building has large entries along Main Street with roll-up doorways and varied patio areas flowing with the building's shape, providing a variety of distances from Main Street. Large glass doors and windows are proposed along the east (Lincoln Avenue) elevation. "Turf areas" are shown on the site plan along Main Street and Lincoln Avenue; "turf" should be defined and included in the approval. Four parking spaces are proposed along Lincoln Avenue which will reduce parking impact to the surrounding neighborhood and along with a sidewalk will use land area otherwise used as building space*

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in the zero lot line neighborhood, but reducing the buildings impact on the near-by homes.

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| <u> X </u> | <u> </u> | 3.e | Parking Lots. Parking requirements shall be provided to the greatest extent possible by spaces at the rear of the building. Parking lots shall only be allowed on the sides of buildings on non-corner lots and if rear lots are not feasible. Parking lots shall be setback a minimum of six feet from the right-of-way or property line and be landscaped per the landscaping section found in Section 17.10.08(C). <i>Staff comment: The proposed four parking spaces, including one handicapped space, located along Lincoln Avenue, cannot be located at the rear of the property due to the steep hillside. Parking is not required in Performance District 1 so this can be eliminated. The proposed parking increases the number of parking spaces near this business. "Turf areas" are located between the parking spaces and the building.</i> |
| <u> </u> | <u> X </u> | 3.f | Trash receptacles of commercial, office, or multi-family buildings should be located in the rear of the building and screened from view from any public right-of-way by an enclosure or fencing. <i>Staff comment: The proposed site plan needs to be revised to show the trash area and proposed screening as required by the land use codes, Sections 17.10.08 F and 17.11.01 A.3.f.</i> |
| <u> X </u> | <u> </u> | B.1 | Permitted uses:
a. Commercial
b. Office
c. Auto-oriented commercial
d. Mobile food units
<i>Staff comment: the proposed commercial and mobile food unit uses are permitted in Performance District 1.</i> |
| <u> </u> | <u> X </u> | C. | Dimensional standards for properties within Performance District One: <i>Staff comment: The proposed setback from Main Street is twenty feet, measured from the southern property line to the proposed patio. The southern property line abuts an existing Town park with the land within the setback proposed to be "turf area." The lot size is 125-feet wide and approximately 0.36 acres (15,639 sq. ft.) in size. This is a legal, non-conforming lot within the Original Town of Oak Creek. The maximum building height is 35-feet; the proposed building height is proposed at 24-feet.</i> |

If it is deemed by the board that the regulations found in this chapter cause an undue hardship on a property, it can waive said regulations on a case by case basis if one or more of

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the following findings are met by the proposed development, or if warranted by other extenuating circumstances as determined by the board:

A. Infilling. If the proposed development is infilling vacant and undeveloped properties in performance districts 1, 2, or 7, standards may be waived to accommodate new construction. In addition to development standards, dedications of public land and water may be waived. The parcel should be found: 1. to have been unused for many years and therefore to be considered as infilling; 2. an extenuating circumstance exists by having a public park abutting the front yard, and therefore providing an additional front yard setback is beneficial to the community.

Performance District 1	Commercial
Minimum Floor Area/Dwelling Unit (square feet)	-
Setbacks (feet): Front Side Yard Rear Yard	0 min 10 max 0 0
Lot width (feet) Minimum Maximum	25 100
Minimum Lot Area (square feet)	2400
Maximum Lot Coverage (%)	No max.
Maximum Building Height (feet)	35

OPTIONS – for consideration to approve or deny this development proposal.

1. **Recommend approval as proposed** if it is determined that the proposal meets the standards of the Town of Oak Creek's Land Use Code and Comprehensive Plan.
2. **Recommend denial** if it is determined that the proposal changes do not meet the standards of the Town of Oak Creek's Land Use Code and Comprehensive Plan.
3. **Table action** if it is determined additional information is needed to evaluate the proposal. Specific direction must be given to applicant.
4. **Recommend approval** if it is determined that certain changes or conditions are necessary to ensure that the proposal meets the standards of the Town of Oak Creek's Land Use Code and Comprehensive Plan.

CONDITIONS OF APPROVAL: the following conditions are recommended to be included as part of the proposed Land Use Changes of Minor Impact for The Beer Ranch (tap house):

1. A copy of the warranty deed shall be provided to the Town Administrator/Clerk.
2. Confirmation from applicants attorney and/or State Liquor Enforcement officials that the proposed food service via a mobile, site contained "food truck" and/or local existing food establishments will meet State requirements for food service.
3. "Turf" shall be defined as grassy area, and stated on the site plans.
4. The owners provide a lighting plan for exterior and interior lighting that shows compliance as required by the land use codes, Section 17.10.10 A and B.
5. The proposed site plan needs to be revised to show the trash area and proposed screening as required by the land use codes, Sections 17.10.08 F and 17.11.01 A.3.f.
6. The sidewalk installation will meet Town sidewalk standards, matching Main Street sidewalk dimensions, and providing ADA accessibility at intersections and at the termination of the proposed sidewalk along Lincoln Avenue.
7. That the dimensional regulations found in Chapter Section 17.11.01 C cause an undue hardship on this property and waives said regulations determining that the parcel is be found: 1. to have been unused for many years and therefore is considered as infilling; and 2. to have an extenuating circumstance of a public park abutting the sites front yard, and providing an additional front yard setback is beneficial to the community.
8. The new development shall comply with the Town's water, sewer and electric systems guidelines and be approved by the Town Public Works Director.
9. To serve alcohol at this site, including in the building and on the patio, a liquor license must be applied for and approved by the Town Board and Colorado Liquor Enforcement Division.