David Torgler, Administrator/Clerk

COMMUNICATION FORM

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FROM: David Torgler, Town Administrator/Clerk
DATE: January 5, 2024
ITEM: Wesley Klumker – Land Use Change of Minor Impact, 224 Arthur Avenue
ATTACHED: Land Use Change of Minor Impact Application, Public Notice, and Staff Report

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BOARD ACTION: __X_ ACTION ITEM
____ DIRECTION REQUESTED
____ INFORMATION

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REQUEST OR ISSUE: Public Hearing, review and consideration of an application for a Land Use Change of Minor Impact from a retail marijuana establishment to commercial/light industrial (warehousing) at 224 Arthur Avenue.

RECOMMENDED ACTION: At the December 20, 2023 Planning Commission meeting commissioners recommended approval of the application subject to the following:

Findings of fact and subject to the Conditions of Approval:

1. The proposal meets the standards of the Town of Oak Creek's Land Use Code and is in general conformance with the intent and purpose of the Town of Oak Creek Comprehensive Plan Update specifically:
    A. The proposed uses may be conditionally allowed in Performance District 7.
    B. The proposed uses will be located in an existing structure.
    C. The proposed uses do not require exterior change.
    D. The proposed use conforms to all applicable provisions of the Land Use Code, utility rules and regulations and the Oak Creek Municipal Code.
    E. The proposed use conforms generally to the Oak Creek Comprehensive Plan and its components.

And, subject to the following conditions of approval:

Conditions of Approval:

1. The approval expires three (3) years from approval by the Town Board of this application unless application for renewal is obtained pursuant to the Oak Creek Land Use Code.
2. Applicant shall verify with Town staff that the landscaping shall meet the requirements of Section 17.10.08 of the Town's land use codes.
3. Property owner shall identify six (6) parking spaces on this lot, and shall be required to evaluate parking requirements prior to any change in use or additions for use of the property.
4. Property owner shall not allow storage of anything outdoors.
5. Property owner and Town staff shall review existing exterior lighting for compliance with Section 17.03.010 of the Land Use codes and owner shall correct any non-compliant lighting; owner shall provide exterior lighting plan meeting the municipal code requirements of Section 17.03.010 prior to the installation of new exterior lighting.
6. Any exterior signs to be installed in the future must go through the Town's review process and be compliant with the then Town regulations.
7. Property owner shall review the snow removal and accumulation plan previously approved for this property with the Town's Public Works Director, aka Director; any changes to the plan must be approved in writing by the Director.
8. A building permit shall be obtained from the Routt County Building Department prior to initiating construction of interior and/or exterior improvements.

BACKGROUND INFORMATION: At the December 20, 2023 Planning Commission meeting the commissioners considered the application referenced above and recommended its approval subject to the findings and conditions also stated above.

FISCAL IMPACTS: Employment opportunity for local residents, use of an existing structure, and, potentially adding value to the property.

LEGAL ISSUES: This application is following the Town of Oak Creek's Municipal (land use) codes.

CONFLICTS OR ISSUES: None known

SUMMARY AND ALTERNATIVES: Per Section 17.03.012 – Review procedure for land use changes of minor impact: the Board of Trustees shall consider the application, other information and materials submitted for their consideration, and the recommendation of the planning commission at a public hearing and make a decision thereon within thirty days of such public hearing; provided that during this time, the board determines that the application should be for a major land use change, in which case the procedure in Section 17.03.013 shall be followed. The Board may place any conditions upon its approval, including without limitation, submission of performance bonds, deed restrictions, and improvement agreements.