TOWN OF OAK CREEK
REGULAR PLANNING COMMISSION MEETING
DECEMBER 20, 2023
MINUTES

CALL TO ORDER & ROLL CALL:

Chairperson Andy Benjamin called the regular meeting to order at 6:01 p.m., Wednesday, December 20, 2023 at Town Hall.

Members present at roll call were: Commissioner Mitchell and Commissioner Kent Horner were in attendance.

Staff in attendance: David Torgler, Town Administrator/Clerk

Members of the public in attendance: Wesley Klumker, Tim Scopac, Andrew Best, Martin Dragner, Kent Zastrow and Sam Clark

EN RE: WESLEY KLUMKER – LAND USE CHANGE OF MINOR IMPACT, 224 ARTHUR AVENUE

Public Hearing, review and consideration of an application for a Land Use Change of Minor Impact for a conditional use change from retail marijuana establishment to commercial/light industrial (warehousing). Chairman Benjamin asked if Mr. Klumker if he wished to comment on the application. Mr. Klumker reviewed the application and proposed uses and stated that they will meet the conditions recommended in the staff report. Chairman Benjamin asked Mr. Torgler for his input and he reviewed the application and required conditions of approval necessary to meet the Town's land use codes. There were no public comments.

MOTION

Commissioner Hornor made a motion to recommend the following Findings of Fact and approval of the land use change of minor impact for a conditional use change from retail marijuana establishment to commercial/light industrial in Performance District 7 on property located at 224 Arthur Avenue, Oak Creek subject to the following:

FINDINGS OF FACT:

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.

Commissioner Mitchell seconded the motion; motion passed unanimously.

EN RE: TIM SCOPAC – LAND USE CHANGE OF MINOR IMPACT, 307 S. GRANDVIEW AVENUE (VACANT)

Public Hearing, review and consideration of an application for a Land Use Change of Minor Impact for a conditional use change from vacant to allow construction of a single family residential dwelling unit. Chairman Benjamin asked if Mr. Scopac if he wished to comment on the application. Mr. Scopac reviewed the proposed plans for construction of a single family residence on this property and the desire to build a home. Chairman Benjamin asked Mr. Torgler for his input and he reviewed the application and required conditions of approval necessary to meet the Town's land use codes. Sam Clark, neighbor, was present and said he was there to understand what is proposed and he has no objections.

MOTION

Commissioner Hornor made a motion to recommend the following Findings of Fact and approval of the land use change of minor impact for a conditional use change from vacant to allow construction of a single family residential dwelling unit in Performance District 7 on property located at 307 S. Grandview Avenue, Oak Creek subject to the following:

FINDINGS OF FACT:

The Planning Commission/ Town Board find that the proposed land use change is in:

a) Conformance of the proposed land use change with the policies and principles in the Oak Creek Comprehensive Plan Update, pursuant to C.R.S., 1973, Section 31-23-206;
b) Conformance with the requirements and performance standards established in this code;
c) Preservation of the health, safety and welfare of the citizens of the Town of Oak Creek, Colorado.

CONDITIONS OF APPROVAL: the following conditions are recommended to be included as part of the proposed Land Use Changes of Minor Impact for the variance and land use change subject to the following requirements:

1. Per 17.03.014 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. Petitioner should be required to reclaim disturbed land not used for structures or parking with new vegetation.
3. Garage and parking will be recessed five feet from the front door or that this requirement is waived due to the lot configuration per Section 17.03.02 of the Municipal Code.
4. All exterior lighting on the site will meet the requirements of Section 17.10.10 of the Municipal Code.
5. Snow storage area shall be identified on this site plan per Section 17.10.013 of the Municipal Code.
6. Petitioner shall provide a lot coverage calculation for consideration of this application by the Town Board.

Commissioner Mitchell seconded the motion; motion passed unanimously.

EN RE: ANDREW BEST & KENT ZASTROW – LAND USE CHANGE OF MINOR IMPACT, 314 MYERS STREET

Public Hearing, review and consideration of an application for a Land Use Change of Minor Impact for a conditional use to allow construction of an accessory residential dwelling unit. Chairman Benjamin asked if Mr. Best (property owner) and Mr. Zastrow (applicant) if they wished to comment on the application. Mr. Best and Mr. Zastrow discussed the unusual lot configuration and explained why they want to build the garage with doors facing Myers Street. They reviewed the proposed plans for construction of a single family residence, aka an accessory dwelling, with parking underneath the residence on this property next to the existing home. Chairman Benjamin asked Mr. Torgler for his input and he reviewed the application and required conditions of approval necessary to meet the Town's land use codes. There were no public comments.

MOTION

Commissioner Hornor made a motion to recommend the following Findings of Fact and approval of the land use change of minor impact for a conditional use to allow construction of an accessory residential dwelling unit in Performance District 2 on property located at 314 Myers Street, Oak Creek subject to the following:

FINDINGS OF FACT:
The Planning Commission/ Town Board find that the proposed land use change is in:

A. Conformance of the proposed land use change with the policies and principles in the Oak Creek Comprehensive Plan Update, pursuant to C.R.S., 1973, Section 31-23-206;
B. Conformance with the requirements and performance standards established in this code;
C. Preservation of the health, safety and welfare of the citizens of the Town of Oak Creek, Colorado.

CONDITIONS OF APPROVAL: the following conditions are recommended to be included as part of the proposed Land Use Changes of Minor Impact for the variance and land use change subject to the following requirements:

1. Per 17.03.014 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. Petitioner should be required to reclaim disturbed land not used for structures or parking with new vegetation.
3. Garage and parking will be recessed five feet from the front door or that this requirement is waived due to the lot configuration per Section 17.03.02 of the Municipal Code.
4. All exterior lighting on the site will meet the requirements of Section 17.10.10 of the Municipal Code.
5. Snow storage area shall be identified on this site plan per Section 17.10.013 of the Municipal Code.
6. Petitioner shall provide a lot coverage calculation for consideration of this application by the Town Board.

Commissioner Mitchell seconded the motion; motion passed unanimously.

EN RE: TOWN ADMINISTRATOR'S REPORT

Mr. Torgler provided a brief update on recent activities regarding land use including an update on the 8 duplex units approved for development in Sierra View and additional housing developments that are being proposed. Mr. Torgler advised the Commissioner's that the Town continues to post for applicants to serve on the Planning Commission.

EN RE: ADJOURNMENT

At 7:16 p.m., Commissioner Horner made a motion to adjourn the meeting. Commissioner Mitchell seconded the motion; the motion passed unanimously.

No further business coming before the Planning Commission, same adjourned sine die.

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David Torgler
Town Administrator/Clerk

_____
Andy Benjamin, Chair

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Date