



David Torgler, Administrator/Clerk

COMMUNICATION FORM

FROM: David Torgler, Town Administrator/Clerk
DATE: April 19, 2024
ITEM: Kelli Marks and Jacob Beck – Land Use Change of Minor Impact, Lots 1 & 2, Block 15, First Addition to Town of Oak Creek
ATTACHED: Staff report, including Applicants application materials.

BOARD ACTION: ☒ ACTION ITEM
☐ DIRECTION REQUESTED
☐ INFORMATION

REQUEST OR ISSUE: Public Hearing, review and consideration of the Planning Commission's recommendation concerning an application for a Land Use Change of Minor Impact for a conditional use change to allow construction of a single family home.

RECOMMENDED ACTION: That the Board opens the public hearing to review the Planning Commission's recommendations which are to approve the application 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. Construction and use of Lots 1 & 2, Block 15, First Addition to Oak Creek for residential use is approved subject to the conditions of approval stated herein and subject to the petitioners Proposed Site Map for LOTS 1 & 2, BLK 15, petitioners application for a Land Use Change – Minor Impact, and petitioners March 24, 2024 written narrative to the Planning Commission.
2. 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.
3. Petitioner is required to reclaim disturbed land not used for structures or parking with new vegetation.
4. A condition of approval is to provide on-site parking for the residential use proposed with access to the on-site parking to be from the alley as shown on the petitioner's Proposed Site Map for LOTS 1 & 2, BLK 15.
5. All exterior lighting on the site will meet the requirements of Section 17.10.10 of the Municipal Code.
6. Snow storage area shall be identified on this site plan per Section 17.10.013 of the Municipal Code.
7. The setbacks proposed on the Proposed Site Map for LOTS 1 & 2, BLK 15 shall be considered as a required minimum condition of approval for the residential use proposed, e.g. the proposed setbacks shall not be less than shown on the Proposed Site Map for LOTS 1 & 2, BLK 15.
8. The upper story setback requirement per Section 17.11.02 3.b of the Municipal Code shall be waived per Section 17-03-02 of the Municipal Code.

9. A condition of approval is to include a 35-foot height limit for the proposed development.
10. Require full reimbursement to the Town of Oak Creek for the installation of protective bollards to be purchased or built by the Town and installed at the base of the public utility pole located near the intersection of Lincoln Avenue and the alley south of this lot.

BACKGROUND INFORMATION: The property, located on the southwesterly corner of the intersection of E. First Street and N. Lincoln Avenue, Lots 1 & 2 Block 15 First Addition to Town of Oak Creek, Parcel ID 100115001, with a street address to be determined, is approximately 0.14 acres, and presently is a vacant. The petitioner is proposing to construct a single family home on this lot. The petitioners do not own the lot but have the owner's approval to seek this conditional use.

The total property is approximately 0.14 acres (6098.4 sq. ft.) in size with First Street (undeveloped) on the north side, residential property on the west side, alleyway and commercial properties on the south side and residential properties to the east and north.

FISCAL IMPACTS: None known.

LEGAL ISSUES: None known.

CONFLICTS OR ISSUES: None known.

SUMMARY AND ALTERNATIVES: See above.