

Town of Oak Creek Land Use Application Staff Report

PETITIONER:	Tim Geiger and Ali Geiger
PETITION:	Land Use Change of Minor Impact – create a Live – Work Unit, e.g. a single (1) residential employee living space within the existing structure on the property at 222 Arthur Avenue.
ADMINISTRATIVE REVIEW DATE:	June 6, 2024
STAFF CONTACT:	David Torgler Town Administrator/Clerk
ATTACHMENTS:	Application, Notice of Hearing, Site Map

HISTORY AND PROJECT DESCRIPTION:

The applicants are the current owner of 222 Arthur Avenue. The applicants are proposing continued use as Industrial, light (17.02.205); as a commercial glass shop with no outside storage and adding a live – work unit within the existing structure. The Live – Work Unit will be a one bedroom apartment. The proposed use will be located in the northeast corner of an existing structure and will include two off-street parking spaces. The proposed business does not require exterior change. The proposed use conforms to the Land Use Code, utility rules, snow storage requirements and the Municipal Code. The proposed use conforms generally to the Oak Creek Comprehensive Plan and its components.

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

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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.

Housing

Complies		Section	Policies
Yes	No		

3. c

The Town should maintain provisions in the Land Use Code offering general guidelines for construction of new units that assure new units blend into the existing character of the neighborhood. *Staff comment: the Land Use Codes permit the conditional use of residential Live-Work units within Performance District 7. Live-work units are defined in the Land Use code as: "Live-work unit" means a mixed-use unit consisting of commercial or light industrial functions and a residential dwelling function, provided that 1) the residential portion of the unit is only occupied by the owner or employees of the commercial or light industrial business occupying the unit; and 2) the business unit employs no more than three persons in addition to the persons residing in the unit; and 3) all parking requirements are satisfied.*

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LAND USE & COMMUNITY CHARACTER

Complies		Section	Policies
Yes	No		

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All new development shall be considered in light of compliance with existing master plans, adopted policies and guidelines. *Staff comment: the current vision for Performance District 7 is to continue to allow light industrial/warehouse uses in existing industrial structures, contracting its area to minimize impacts to the adjacent residences, while continuing to reduce conflicts through the application of performance standards and limiting development of additional industrial/warehouse uses.*

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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 this petition. Interested parties are encouraged to review the Code to determine if there are other regulations that may be applicable to the review of this petition.

Chapter 17.01 - GENERAL PROVISIONS

17.01.03. - Purpose.

Complies		Section	Policies
Yes	No		
_____	_____ <input checked="" type="checkbox"/>	O.	Ensure that public facilities and services are available concurrent with development and will have a sufficient capacity and be phased where necessary to serve the proposed development and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures. <i>Staff comments: Applicant must contact the Public Works Director to schedule a pre-inspection of water, sanitary sewer and electric services prior to occupancy of the residential unit.</i>

Chapter 17.03 – Development Applications, Review and Procedures

17.03.06 - Land use changes of minor impact.

These require only one review each by the planning commission and the board of trustees and include:

Complies		Section	Policies
Yes	No		
_____ <input checked="" type="checkbox"/>	_____	H.	Construction of a live-work unit

Section 17.03.014 – Expiration of Land Use Change Approvals

Every approval for a change in land use shall expire upon the first occurrence of the following events:

Complies		Section	Policies
Yes	No		
_____ <input checked="" type="checkbox"/>	_____	A.	Three (3) years from its effective date, unless application for a building permit is made within the

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term of the land use change approval or unless application for renewal of the land use change approval is approved, pursuant to this Chapter. *Staff comment: A building permit is required for the single-family residential unit. A condition is included below stipulating that the approval expires three (3) years from the approval date.*

17.03.017 - Conditional use review criteria.

Complies		Section	Policies
Yes	No		

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The Town shall use the following criteria to evaluate applications for conditional uses:

A. The conditional use will satisfy all applicable provisions of the land use code unless a variance or exception is being requested.

B. The conditional use will conform with or further the goals, policies and strategies set forth in the Town of Oak Creek Comprehensive Plan Update.

C. The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

D. The use shall comply with all applicable Town, county and state environmental laws. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

E. The conditional use is compatible with existing uses in the area and permitted uses in the district and will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.

F. The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in

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hazardous conditions for pedestrians or vehicles in or adjacent to the site. The amount and configuration of on-site parking is appropriate to the conditional use.

G. Site lighting will provide adequate security, which does not negatively impact adjacent properties and is not excessive.

H. Outdoor activity and storage areas are screened from public view and are oriented away from any existing adjacent uses that would be negatively impacted.

I. Service areas, such as trash, loading docks and delivery areas, are screened from public view, oriented away from adjacent uses that would be negatively impacted and are not the visual focal point of a driveway or parking area.

J. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods including those identified in Section 17.03.018 of this Code. The applicant shall satisfactorily address the following impacts, as applicable:

- 1.Traffic;
- 2.Parking;
- 3.Snow storage
- 4.Activity levels, intensity of use;
- 5.Light;
- 6.Noise;
- 7.Odor;
- 8.Building type, style and scale;
- 9.Hours of operation;
- 10.Emission of dust, heat, glare, vibration, smoke, and odors; and
- 11.Erosion control.

Staff recommends that the conditional use criteria will be met by the applicant as noted within this report.

Section 17.10.09 - Parking standards.

Complies

Section Policies

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Yes No

<p style="text-align: center;">B.</p> <p style="text-align: center;"> <input checked="" type="checkbox"/> <u> </u> <input type="checkbox"/> <u> </u> </p>	<p>Paved off-street parking outside of Performance District 1 shall be provided according to the minimum requirements for Industrial/Warehouse use is to be determined on a case-by-case basis. <i>Staff comment: The Applicant claims that the site will be used in a manner similar to the previous location of the Glass Shop that will require minimal parking, including one (1) handicap parking space plus the required one (1) space per residential unit. Parking spaces shall be approximately twenty feet by ten feet, exclusive of the snow storage requirement. The Applicant has also raised another possible use for the property including storage units. Presently the parking in-place from the previous owner is adequate; however, changes and additional uses will likely require parking to be reexamined. A condition below will require parking requirements be evaluated with any changes or additions for use of the property.</i></p>
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Section 17.10.10 - Lighting standards.

Complies

Section Policies

Yes No

<p style="text-align: center;">A.</p> <p style="text-align: center;"> <input checked="" type="checkbox"/> <u> </u> <input type="checkbox"/> <u> </u> </p>	<p>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. 3. Motion lights to illuminate areas of security concern should be used whenever possible. 4. Parking lot and canopy lights shall be flush mounted with the fixture to prevent "hot</p>
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spots". 5. Parking lot lighting shall be placed no higher than twenty-five feet from the ground. *Staff comment: A condition stipulated below states that Town staff and the Applicant shall review existing lighting for compliance and the Applicant will correct any non-compliant lighting.*

Section 17.10.11 - Sign standards.

Complies		Section	Policies
Yes	No		
_____	_____√		Address numerals and signs not exceeding one square foot in area do not require approval by the Town. <i>Staff comment: The Applicant shall place a street address of "222" above the east facing (Arthur Avenue) large shop entry door and "222 A" above the (Arthur Avenue) apartment entry. Per OCFPD the address sign must be aluminum with reflective vinyl for background and lettering. Lettering must be at least 4" in height and white in color. Background must either be green, brown or blue. Sign can be either horizontal or vertical. The installation of the sign must be permanent and able to withstand weather and be high enough off the ground so that it remains visible during winter snowpack.</i>
_____√	_____		No person shall erect, alter or relocate any sign without first obtaining approval from the town under this section. <i>Staff comment: The Applicant has not proposed any signage. A condition stipulated below states any exterior signs to be installed in the future must go through the Town's review process and be compliant with Town regulations.</i>

Section 17.10.13 - Snow removal and accumulation standards.

Complies	Section	Policies
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Yes

No

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All land use changes governed by these regulations shall ensure that there is no increase in off-site snow accumulations as a result of the land use changes. *Staff comment: A condition below stipulates the Applicant 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.*

Chapter 17.11 – Performance Districts

Section 17.11.01 – Performance District Seven

The following regulations only govern land within Performance District Four.

Complies		Section	Policies
Yes	No		
		A.	Character and Vision
_____√_____	_____	1.	Current Use: This area encompasses a mixture of single-family residential, commercial and light industrial uses.
_____√_____	_____	B.1	Conditional uses: k. Live-work units

STAFF'S OPTIONS

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.

ADMINISTRATIVE APPROVAL:

The application is hereby approved based on the following:

FINDINGS OF FACT:

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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:
 1. The proposed use does not substantially differ from the previous use of a building or land.
 2. The proposed structure will be located in an existing structure.
 3. The proposed residential use does not require exterior change.
 4. The proposed use conforms to all applicable provisions of the Land Use Code, utility rules and regulations and the Oak Creek Municipal Code as noted herein this report.
 5. 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. Applicant must contact the Public Works Director to schedule a pre-inspection of water, sanitary sewer and electric services prior to occupancy of the residential unit.
2. The approval expires three (3) years from June 27, 2024 unless application for renewal is obtained pursuant to the Oak Creek Land Use Code.
3. Applicant shall not store anything outdoors.
4. Applicant parking, including adequate on-site parking space for the glass warehouse, office and working area plus one (1) handicap parking space plus the required one (1) parking space per residential unit. Parking spaces shall be approximately twenty feet by ten feet, exclusive of the snow storage requirement.
5. The Applicant shall place a street address of "222" above the east facing (Arthur Avenue) large shop entry door and "222 A" above the (Arthur Avenue) apartment entry. Per OCFPD the address sign must be aluminum with reflective vinyl for background and lettering. Lettering must be at least 4" in height and white in color. Background must either be green, brown or blue. Sign can be either horizontal or vertical. The installation of the sign must be permanent and able to withstand weather and be high enough off the ground so that it remains visible during winter snowpack.
6. Any exterior signs to be installed in the future must go through the Town's review process and be compliant with Town regulations.
7. Applicant shall provide exterior lighting plan meeting the municipal code requirements of Section 17.03.010 prior to the installation of exterior lighting.
8. Applicant 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.
9. Propane tank (if applicable) must have a grey schedule 40 ¾" PVC pipe permanently mounted at the location of the tank's shutoff valve. Pipe must be long enough to be seen during winter snowpack.

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10. A supervised Fire Alarm system must be operational and have a current inspection in all areas of the building.
11. A building permit shall be obtained from the Routt County Building Department prior to initiating construction of the proposed single-family residential structure.

By: _____
Staff & Title

Date: [Date of Approval]