



**BOARD OF TRUSTEES
STAFF REPORT & REQUEST FOR BOARD ACTION**

Date Prepared: May 30, 2023
Meeting Date: June 7, 2023

RE: Conditional Use Permit – 832 Wapiti Drive
To: Town of Fraser Board of Trustees
From: Alyssa Rivas, Baseline
Project Number: TF-23-05
Project Address: 832 Wapiti Drive, Fraser
Applicant: Jardie Lauinger
Property Owner: Jardie Lauinger
Zoning: Medium Density Multi-Family (MDMF) Residential District
CC: Michael Brack, Fraser Town Manager
Ben Thurston, AICP, Baseline



MATTER BEFORE THE BOARD OF TRUSTEES:

Conditional Use Permit for reduced lot area for a residential development at 832 Wapiti Drive

ACTION REQUESTED:

The applicant and property owner, Jardie Lauinger, is requesting approval of a Conditional Use Permit to allow a reduced lot area for the 832 Wapiti Drive residential development.

BACKGROUND

On April 5, 2023, Jardie Lauinger submitted an application for a Conditional Use Permit for the property at 832 Wapiti Drive. The Conditional Use Permit is being requested in order to construct a three-unit townhome on a lot with an overall area of 6,647 square feet (2,215 square feet per unit). The lot area does not comply with the minimum of 2,500 square feet per residential unit required by the MDMF Zone District.

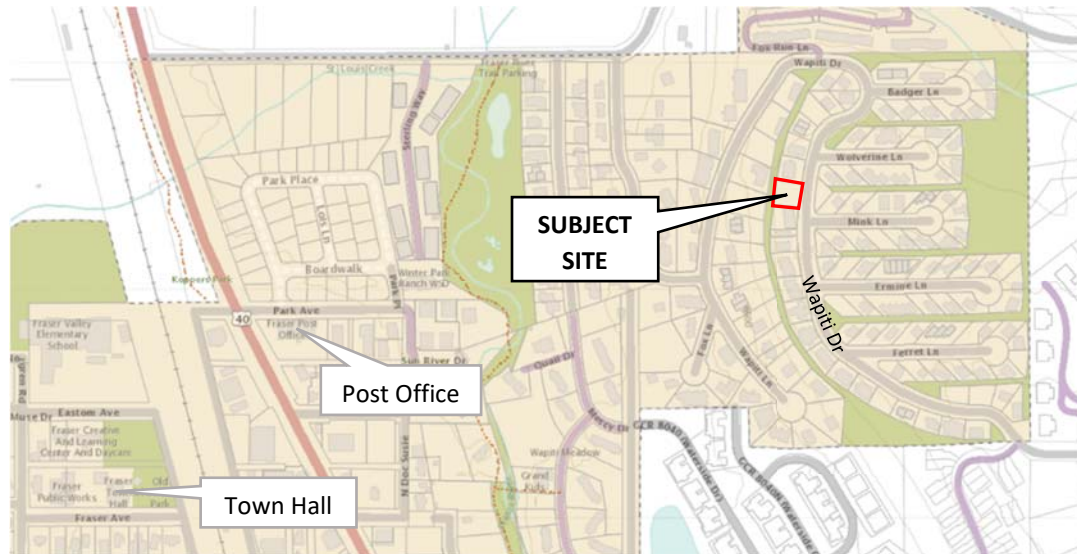
Conditional use means uses allowed only by permit of the Town, which permit may be granted or denied. If granted, certain conditions and performance standards may be imposed and must be complied with by the permittee. Conditional Use Permits require approval per the standards in Section 19-2-120. Section 19-1-210 of the Land Development Code requires a recommendation of approval from the Planning Commission to the Board of Trustees. The Board of Trustees is the final decision-making body for granting approval of a Conditional Use Permit.

PLANNING COMMISSION REVIEW AND RECOMMENDATION:

On May 24, 2023, the Planning Commission considered the request for a Conditional Use Permit. Per Section 19-1-210, no public hearing was required. After reviewing the request, the Planning Commission unanimously recommended approval of the Conditional Use Permit to the Board of Trustees, subject to the Conditions of Approval in Resolution 2023-05-02.



LOCATION MAP

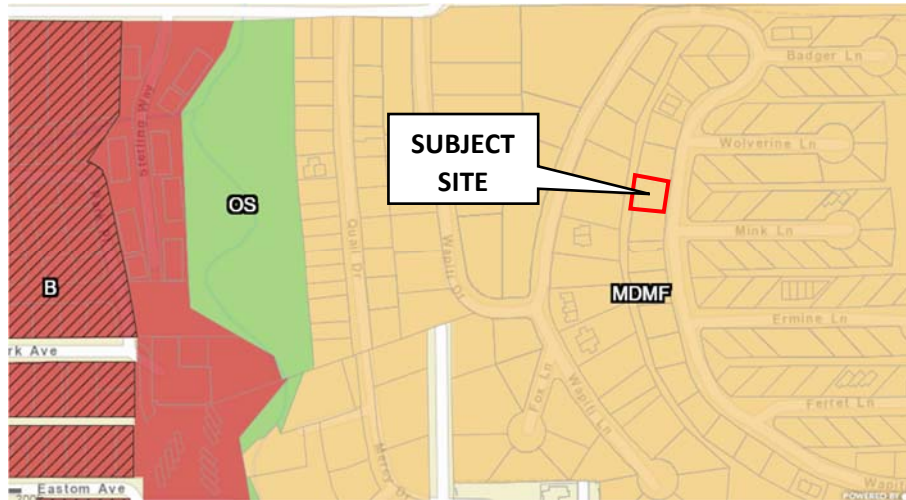


ZONING & LAND USE

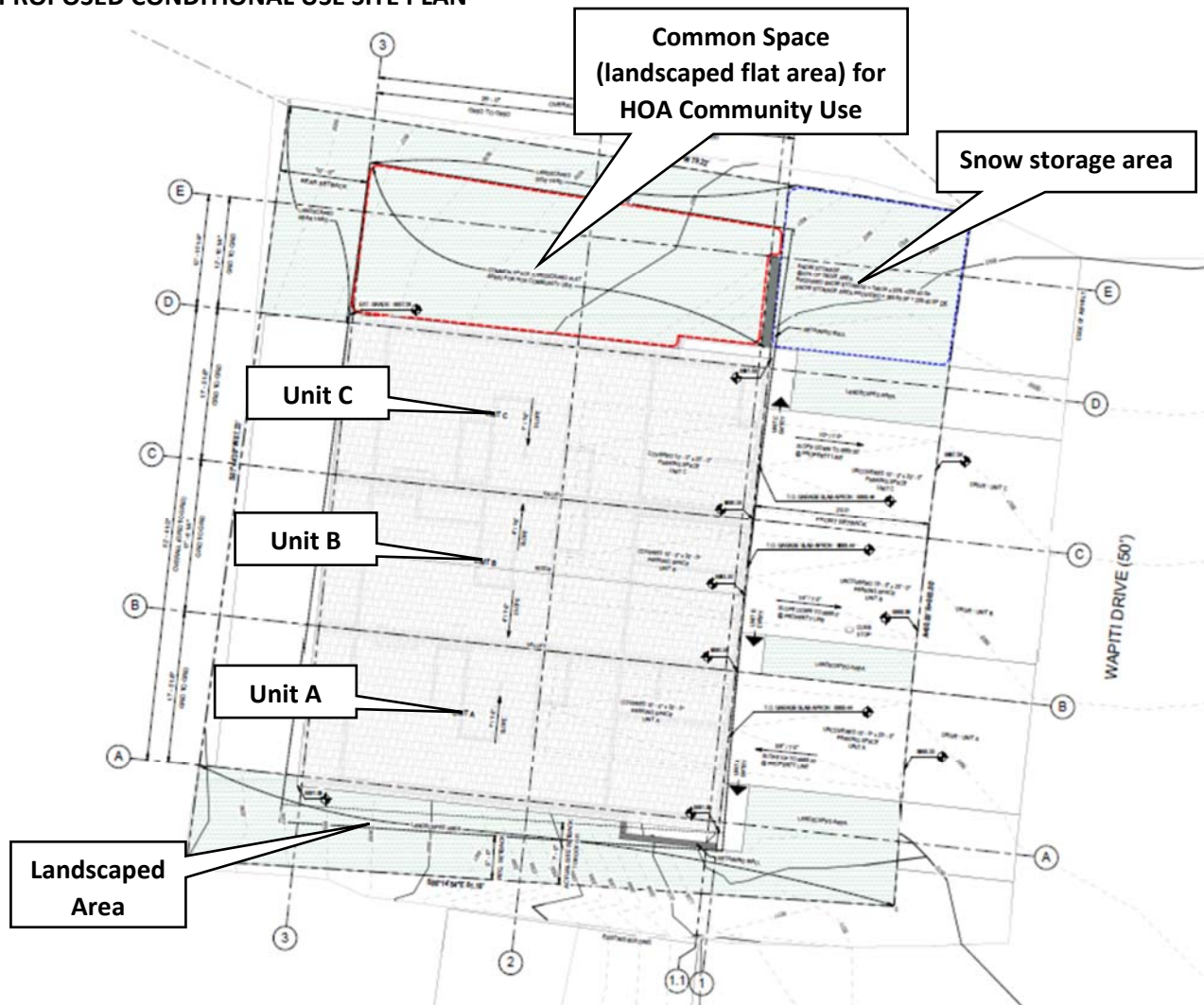
The subject property is 0.15 acres (6,647 square feet), and is zoned Medium Density Multi-Family (MDMF) Residential. Per Section 19-2-340, multi-family dwellings are a permitted use in the MDMF district. Section 19-2-240 requires a minimum lot area of 2,500 square feet per dwelling unit for multifamily dwelling units. The application proposes three units with an overall lot area of 6,647 square feet, which results in 2,215 square feet per unit. Per Section 19-2-270; reduced lot size, width, setback and/or floor area for a residential dwelling may be approved as a conditional use in accordance with Section 19-2-120, subject to a minimum lot area of 2,178 square feet per unit. Based on this provision, the property qualifies for the request of a conditional use.

Section 19-2-240 also includes other development standards for the MDMF zone district. The proposed development complies with the required 20-foot front setback, 10-foot rear setback, and 5-foot side setbacks. Additionally, the proposal meets the minimum required open space for the MDMF Zone District. For residential multi-family development consisting of condominiums, townhomes or apartments, the minimum required open space shall be thirty-five percent (35%) of the gross land area. Of the thirty-five percent (35%) required open space, fifteen percent (15%) shall consist of landscaping consistent with the standards in Section 19-4-160. The site plan submitted by the applicant proposes 3,346.96 square feet (50.3%) open space and meets this requirement. A landscape plan was not submitted with the application; however, a note on the proposed site plan indicates that 2,555.51 square feet of landscaped area shall be provided, where 348.97 square feet is required. The applicant has committed to complying with all development standards during submittal of a Major Site Plan application, including all open space and landscaping standards as outlined in Section 19-4-160.

ZONING MAP



PROPOSED CONDITIONAL USE SITE PLAN





CONDITIONAL USE PERMIT REVIEW

The applicant has submitted all required materials for a Conditional Use Permit review, including the application form, fee, proof of ownership, proposed site plan, draft utility plan, and as-built plats of adjacent multifamily units to demonstrate that the proposed development is compatible with the surrounding area. If the Conditional Use Permit is approved, the applicant will be required to submit an application for a Major Site Plan. Per Section 19-2-110, development applications are subject to major site plan review for residential uses which include three units or more. In addition, the applicant will be required to submit an application for a Minor Subdivision (Final Plat). These requirements are listed as conditions of approval in this report.

REFERRAL

The initial application was determined to be complete on April 11, 2023, and sent to referral agencies for review on April 13, 2023. Comments were received on April 27, 2023 and returned to the applicant on May 3, 2023. The second and final submittal was received on May 8, 2023, after the applicant worked to address minor outstanding items. Referral comments including the need for a Major Site Plan application were combined into a memo titled 832 Wapiti Dr Conditional Use Permit - 1st Referral Response, dated May 3, 2023. All referral agency comments and redlines must be addressed by the applicant prior to Conditional Use Permit approval, or before approval of a Major Site Plan, as appropriate.

PUBLIC NOTICE

Section 19-1-215 of the LDC establishes requirements for public notice when public hearings are required with land use review. Conditional Use Permits require a public hearing before the Board of Trustees. As such, public notice is required at least fourteen (14) days in advance of the hearing. Such notice is required to be mailed to all property owners within 200 feet of the subject property, and posted in the Town newspaper. Notice requirements for the Town Board public hearing were completed as required by the LDC.

FINDINGS

The Conditional Use Permit was submitted in accordance with the checklist provided in the Land Development Code and includes the required documents. Staff reviewed the Conditional Use Permit comments with the 832 Wapiti Dr Conditional Use Permit - 1st Referral Response dated May 3, 2023. These comments and redlines must be addressed prior to Conditional Use Permit approval or before approval of a Major Site Plan, as appropriate.

Conditional Use Permit approval is regulated by the Land Development Code as outlined in the following table.

Sec. 19-2-120 – Conditional Use Permits	Staff Finding
1) The proposed conditional use is compatible with adjacent uses and adjacent zone districts, as applicable, including the potential traffic generation, noise, lighting impacts,	Staff reviewed as-built plats of adjacent developments submitted by the applicant and concluded that the proposed development of three multi-family units is compatible with the surrounding area. Adjacent properties in the area



<p>parking requirements and general effects on such adjacent uses and properties.</p>	<p>are zoned MDMF and consist of other multi-family residential units. The proposed Conditional Use Site plan provides off street parking and limits the development to three residential units, which minimizes impacts to potential traffic generation, noise, and lighting.</p>
<p>2) The conditional use meets all existing criteria for minimum lot area, setbacks, maximum building height, permitted signs and parking.</p>	<p>The conditional use meets the criteria for minimum setbacks. Architectural drawings are not required for a Conditional Use Permit application. Therefore, staff does not have information on proposed building height. The site plan provided with the application indicates that each unit will have one covered parking spot, and one off-street (driveway) parking spot, in compliance with the parking requirements in Section 19-4-230. These standards will be reviewed in depth during major site plan review. The applicant is requesting approval of a conditional use with a reduced lot size, based on the provisions in Section 19-2-270. The request complies with the minimum reduced lot area of 2,178 square feet. The development does not propose any signage.</p>
<p>3) That the conditional use will not change the predominant character of the neighborhood, including the scale and bulk of the proposed use in relation to surrounding uses and neighborhoods.</p>	<p>The conditional use will not change the predominant character of the neighborhood, which consists of other similar multifamily dwelling units.</p>
<p>4) The conditional use will not overburden the capacities of the existing streets or utilities, parks, schools and other public facilities and services.</p>	<p>The conditional use will not overburden the capacities of the existing streets, utilities, parks, schools, and other public facilities and services. All Town standards must be met during Major Site Plan review, and the Public Works department has given preliminary approval of the draft utility plan submitted with this application.</p>
<p>5) There will not be an unacceptable effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities and other public facilities and public facility's needs.</p>	<p>Based on the information provided, the conditional use will not create an unacceptable effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities and other public facilities and public facility's needs. These potential impacts will be further considered in the review of the Major Site Plan.</p>



<p>6) There will not be an unacceptable effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability and removal of snow from the streets and parking areas.</p>	<p>Staff does not find that there will be an unacceptable effect upon traffic or automotive and pedestrian safety and convenience. Additionally, the site plan proposes a snow storage area that is in compliance with Section 19-4-185, which will aid in the removal of snow from the streets and parking areas.</p>
<p>7) That the proposed conditional use does not contribute to undervalued use of property.</p>	<p>Staff finds that the proposed conditional use serves to maximize the value of the use on the property by allowing an additional unit.</p>
<p>8) That the proposed conditional use conforms with the Comprehensive Plan.</p>	<p>Staff finds that the proposed conditional use conforms with the Comprehensive Plan. Relevant policies in the Comprehensive Plan include:</p> <ul style="list-style-type: none"> • <i>Promoting sustainable development, which is development that “meets the needs of the present without compromising the ability of future generations to meet their own needs.”</i> • <i>Monitor attainable housing needs created by limited supplies of land and housing. The Town should promote a variety of housing types, densities, styles and prices to accommodate a variety of lifestyles and income levels. Public-private partnerships to mitigate housing shortages are encouraged. The proposed development provides needed multifamily housing, but is limited to three residential units to minimize impacts.</i> • <i>Properties should be developed in a manner that preserves and provides open space. The conditional use site plan exceeds the requirement for 35% open space by proposing 50.3% open space.</i> • <i>Residential development should be designed to avoid ridgeline development and visual impacts to the meadows whenever possible. The proposed development is located in the northeast area of town and does not have visual impacts to the meadows.</i>
<p>9) That there is a history of compliance by the applicant and/or property owner with</p>	<p>The applicant recently purchased the property; therefore, staff has limited information on the</p>



<p>requirements of this Chapter, this Code, and any prior conditions, regarding the subject property.</p>	<p>history of compliance. However, the applicant has provided all necessary information for this application. Additionally, the applicant has committed to submitting all required documentation and complying with all requirements for a Major Site Plan and Minor Subdivision-Final Plat.</p>
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SUMMARY

The applicant and property owner, Jardie Lauinger, has submitted a complete application for the review of a Conditional Use Permit for the development of a three-unit townhome with a lot area of 2,215 square feet per unit at 832 Wapiti Drive. The application is in compliance with the land development code and Comprehensive Plan, with the exceptions outlined in this report and as listed as recommended conditions of approval.

REQUEST: Conditional Use Permit for the development of a three-unit townhome with a lot area of 2,215 square feet per unit at 832 Wapiti Drive.

RECOMMENDATION: Staff recommends that the Board of Trustees APPROVE the Conditional Use Permit, subject to the following conditions:

1. Applicant shall submit an application for a Major Site Plan for three residential units. This development application shall be scheduled for Planning Commission once a complete application has been submitted.
2. Applicant shall address Agency Review Comments included in packet with the Major Site Plan application.
3. Applicant shall submit an application for a Minor Subdivision (Final Plat) following approval of a Conditional Use Permit and Major Site Plan.

Attachments:

- 01 Resolution 2023-05-02
- 02 Conditional Use Permit Application
- 03 Warranty Deed
- 04 Cover Letter
- 05 Conditional Use Site Plan
- 06 Draft Utility Plan
- 07 Key Map for Adjacent Multifamily Developments
- 07a Ridgewood Condominiums As-Built Plat
- 07b Tumbleweed Condominiums I As-Built Plat
- 07c Tumblewood Condominiums As-Built Plat
- 07d Glunk Minor Subdivision Plat

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- 08 List of Property Owners within 200 feet
- 09 832 Wapiti Dr Conditional Use Permit - 1st Referral Response