

**PARK COUNTY PLANNING COMMISSION
PLANNING DEPARTMENT STAFF REPORT**

Planning Commission Hearing Date: November 10, 2021

To: Planning Commission

Date: November 4, 2021

Prepared by: John Deagan, AICP; Planner

Case #: 21CUP-05

Subject: Epstein Conditional Use Permit

Request: A Conditional Use Permit to legalize an existing Duplex on a Residentially zoned parcel.

Application Summary:

Applicant/Owner:	Katherine Epstein and Christopher Vines
Location:	Elk Creek Highlands Filing 5 Block 16 Lot 32, addressed as 323 Gold Flake Terrace. A vicinity map is included as Attachment 1.
Current Zone District:	Residential
Surrounding Zoning:	Residential in all directions
Lot Size:	2.3 acres
Existing Use:	Duplex
Proposed Use:	Same

Background:

The residence on the subject lot was built in 1994, along with a two-bedroom septic system. In 1997, an attached garage was built. Neither structure appears to have received a certificate of occupancy. Despite this, in 2001 a permit was issued to enlarge the septic system to a five-bedroom capacity. Presumably around that time, the structure was converted to a Duplex without any permits.

The current owner bought the lot in 2017. Planning staff became aware of the Duplex in August when the owner asked for a second address assignment. Upon a determination by building department staff that the structure substantially met building code requirements and could receive a certificate of occupancy, a Conditional Use Permit

application to legalize the duplex was begun. The applicant has secured a will-serve letter for augmentation water from the Headwaters Authority of the South Platte.

Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a Conditional Use Permit (LUR Section 5-503) is addressed below.

A. The use proposed is an authorized Conditional Use for the zone district in which the property described in the application is located.

Duplexes are a conditional use on Residentially zoned lots under twenty acres in size.

B. The property described in the application for Conditional Use Permit possesses geological, physical, and other environmental conditions that are compatible with the proposed conditional use.

No environmental constraints that prevent use of the lot for a Duplex exist.

C. The Conditional Use will conform to all applicable requirements of the zone district and these Land Use Regulations and does not create a substantial safety concern for anticipated visitors to the property.

Staff believes that upon issuance of a certificate of occupancy this standard of approval will be met.

D. The property has a reasonably certain right of permanent legal access permitting vehicular access from the property to the public thoroughfare.

The lot has frontage on Gold Flake Terrace, a public right-of-way.

E. Access to the property from the public thoroughfare reasonably meets County street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit.

Access to the property meets driveway standards.

F. The proposed Conditional Use is compatible with the uses and zoning for other properties within the neighborhood or immediately surrounding area.

No complaints regarding the Duplex have been received.

G. In making this determination, conflicts with any enforceable covenants, conditions and restrictions of record will be considered.

No such restrictions exist.

Impact Analysis:

No adverse impacts to nearby land uses are anticipated.

Recommendation:

Based on the foregoing, staff recommends that this Conditional Use Permit be recommended for approval to the Board of County Commissioners with the following conditions:

1. Prior to the hearing of this application by the Board of County Commissioners, the Park County Building Department issues a certificate of occupancy for the Duplex.
2. Prior to the hearing of this application by the Board of County Commissioners, the Colorado Division of Water Resources upgrades the well permit to be able to provide water to the Duplex.

Elk Creek Highlands Filing 5 Block 16 Lot 32

Att. 1

Contour Interval is 40 Feet

