



What's Developing in Frederick

Top 10 Development Myths | October 2018

The Planning Department has put together the Top 10 Myths about Development for this month's article. You'll discover the common misconceptions as well as how development really works.

Myth: The Town chooses when and where and what develops.

Reality: Developers choose what they want to develop. Then they work with landowners to find a spot where they want to develop it. That's when the Town gets involved and the Town's role in development is that of regulator. Regulation starts with the Comprehensive Plan identifying land uses at a general level. Then the Land Use Code has very specific regulations including identifying zoning districts, uses that are permitted within the zoning district, and development specifics required with each development within the zoning district. Just because there are many acres of a particular zoning district doesn't mean that each property has a willing seller and willing buyer. Generally, a business owner or developer is looking to find property to suit their needs. They look at properties offered for sale and determine which best meets their needs. Simultaneously, they look to the Town for guidance on what zoning district best matches their intent. This can be a difficult search as they try to find the best property to match their budget and desires.

Think of it similar to when you want to buy a home. You know you want a single family home and then you consider what elements you need to have (say three bedrooms and two bathrooms) versus want to have (fireplace, skylights, large yard). You have a set budget. Then you start looking at homes and find some that are close to matching your needs, but not matching your wants. How do you determine which home is right for you? In a simple way, this is what developers work

through when finding a property to develop. The Town plays no more of a role in your finding the right home than it does for a developer looking for a property to develop.

Myth: The Town can annex any property it wants.

Reality: Annexations are regulated by Colorado State Statutes. Within State Statute, at least 50% of the property owners owning at least 50% of the land area to be annexed must sign the petition to annex a property. The petition, in general, states that the owners want their land to become a part of the municipality. The only exception to this is if the property is an enclave. An enclave exists when an unincorporated area of land is entirely surrounded by land already annexed into the Town. If an enclave exists, the Town does not need the property owners consent to annex their property.

Myth: The Town maintains all landscaping throughout the Town of Frederick.

Reality: The Town maintains a significant amount of property throughout Town, however, the Town does not maintain land it does not own. There are a few instances where another party maintains land that is owned by the Town. If you're curious about who maintains property, you're welcome to check out the Town's Parks and Open Space Maintenance Map which tracks maintenance responsibility.

Myth: The Board grants all requested variances (or waivers)/Developers can do whatever they want.

Reality: First, let's define variance and waiver. A variance amends the requirements of the Land Use Code while maintaining a requirement that must be met. For example, a



required front setback is 55' for an accessory structure and the Board approves a variance to allow the setback to be reduced to 40'. The requirement is the setback distance and while the distance is changed (varied), a requirement is still in place. A waiver removes the requirement of the Land Use Code. For example, a business requests the ability to build a chain link fence when the Land Use Code prohibits this fencing type in their zoning district. The Board of Trustees may choose to approve the waiver request (waive the rule). The Land Use Code identifies criteria that must be considered when a variance or waiver is requested. These applications may be granted at the discretion of the Board of Trustees if they find the criteria have been met. There is no guarantee that just because an application for a variance or waiver is submitted that the Board of Trustees will approve it.

Myth: My realtor/the sales office told me I live next to open space (that will never be developed).

Reality: Please, please, please understand that not every open area is designated permanent open space. Not all realtors or sales office people have knowledge of the area they're selling in and some will tell you precisely what you want to hear. If you want to know for sure, please stop in or call 720-382-5500 to speak with the Planner on Duty. We're happy to verify the information you've been told. Occasionally, we have to give you information you don't want to hear. We'd rather do that before you buy the house with the lovely views, than when you receive notice that something is being built in front of your view.

Myth: My neighbor did it so I should be able to.

Reality: Similar to the previous answer, please verify what Codes apply. You may have some neighbors that didn't follow the Code but there's also a possibility that the Code has changed since your neighbor did what you want to do. The easiest way to know what Codes apply is to call and talk to the Planner on Duty and/or the Building Division. Again, we'd rather verify information ahead of time.

Myth: We're a small town so we don't have rules.

Reality: Yes, we are a small town. But as you've seen from the previous myths, even small towns have rules (Codes). We work hard to have reasonable Codes, just be sure to talk to the Planner on Duty to help you understand anything that's confusing.

Myth: Staff members can decide anything.

Reality: The Land Use Code identifies what types of Land Use projects can be approved by staff administratively and which applications must be presented to the Board of Trustees for their decision.

Myth: Development projects are approved without public input. My voice isn't heard and doesn't matter.

Reality: Planning Staff, Planning Commission, and the Board of Trustees want to hear community input. The Land Use Code identifies the process each application follows. Not all projects have a public hearing, however, each application is required to have a neighborhood meeting prior to being submitted. The notification area for the development process is determined by the type of application and varies from 300' to 1,000'. Once the application is submitted, a notice is sent out to the same group of people to let them know the application is now under review. The application documents are public documents available for review and input by the public. If a public hearing is required, notice is published in the Longmont Times-Call, a sign is posted on each street frontage, and notices are mailed to surrounding property owners. When considering the comments, not all comments are able to be addressed through the process. For example, recently, a citizen requested something that isn't enforceable through Town Code. Their HOA could consider that rule, but it wasn't something that existed within Town Code. Therefore, the comment wasn't resolved through the process.

Myth: The Town shouldn't use funds for new development but should use those funds for maintaining existing infrastructure/The Town uses more funds on new development than on



CONTACT US

Town Hall: 720.382.5500

401 Locust St.

P.O. Box 435

Frederick, CO 80530

existing infrastructure.

Reality: The Town has a long-standing policy that development pays its own way. That means that when a new development is under review and construction, the developer pays for staff time and those improvements that are required to serve the development. The Town's funds are not used. Occasionally, the Board of Trustees waives fees to spur economic development, however, these fees do not outweigh the costs of maintaining existing infrastructure.



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