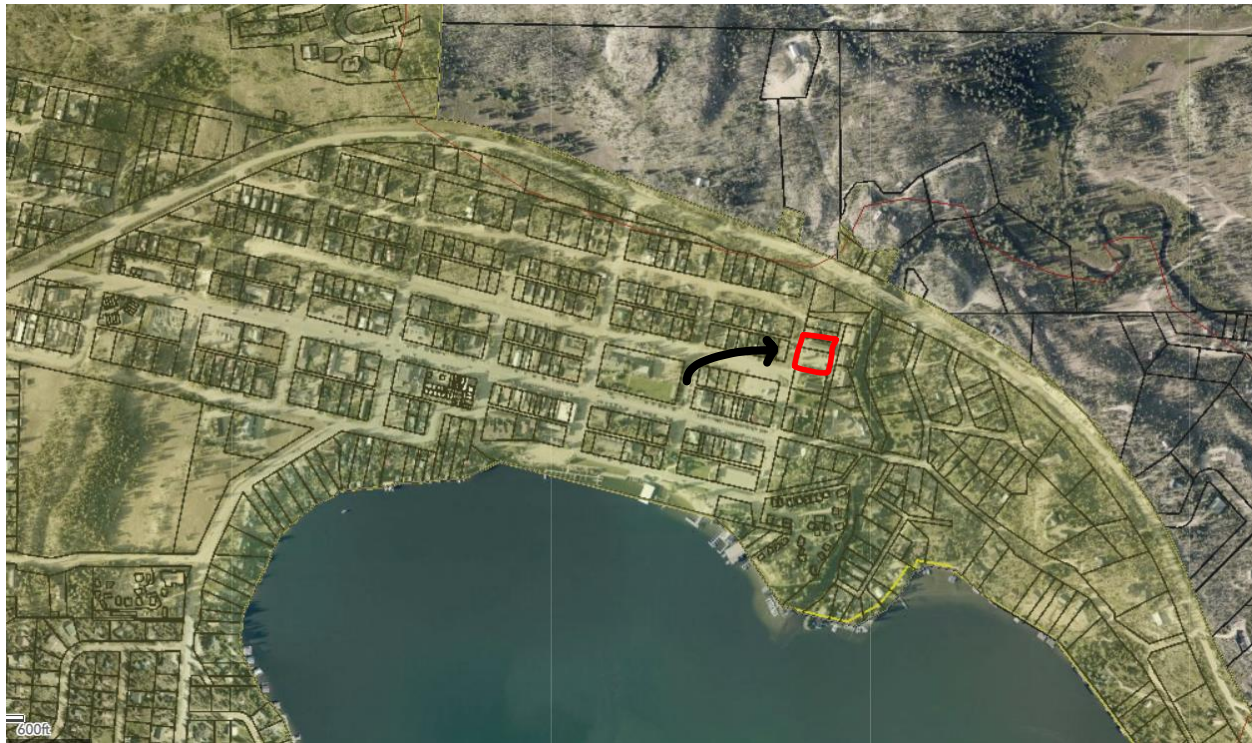




Date: October 10th, 2022

To: Chairman Shockey and Commission
From: Kim White, Community Development Director

RE: Advisory Report for Amendment to Zoning Map



Purpose:

To review the advisory report recommended by the Planning Commission on 9/7/2022 to amend the zoning of property located at 240 and 300 Hancock, from Multi-family Residential to Commercial Transitional.

Background:

This rezoning request was presented to the Planning Commission for its consideration on Sept 7th, 2022, at which time the Commission voted to recommend approval and asked staff to draft the required advisory report reflecting the Commission's favorable consideration of the matter and recommending to the Board of Trustees that the requested rezoning be approved on the basis that it was rezoned in error in 2006.

Staff prepared the advisory report for the Commission's review and approval at its meeting on September 21st, 2022. Shortly before the commencement of the meeting on September 21st, 2022, Ms. O'Flaherty, an attorney representing the interests of the applicant, submitted a proposed advisory report and requested that it be used in place of staff's proposed report. As there was insufficient time for staff to review Ms. O'Flaherty's comments before the meeting or to confer with the Town's attorney, the Commission asked that (1) Ms. O'Flaherty provide a redline to staff, showing how her proposed



letter differed from staff's, and (2) that staff confer with the Town's attorney, consider Ms. O'Flaherty's suggested changes and bring a revised advisory report back to the Commission for its consideration at the October 5, 2022 meeting.

The revised advisory report that is in your packet is the result of those efforts. It includes revisions recommended by the Town attorney after considering Ms. O'Flaherty's redline. It does not include all of Ms. O'Flaherty's requested changes because the Town's attorney concluded that many of her comments were beyond the scope of the narrow rezoning issue that is before the Commission.

Staff recommends approval of the advisory report, as revised.

Municipal Code for Amending the Zoning Map:

12-2-34: Declaration of Policy and Standards for Rezoning.

For the purpose of establishing and maintaining sound, stable and desirable development within the Town of Grand Lake, the rezoning of land is to be discouraged and allowed only under certain circumstances as provided hereafter. This policy is based on the opinion of the Town Board of Trustees that the Town's Zoning Map is the result of a detailed and comprehensive appraisal of the Town's present and future needs regarding land use allocation and as such, should not be amended unless to correct a manifest error or because of changed or changing conditions in a particular area of the Town in general. Rezoning shall only be allowed if the applicant demonstrates by clear and convincing evidence that rezoning is necessary because of one (1) or more of the following reasons:

1. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town's Comprehensive Plan.
2. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or new approach to development.
3. The proposed rezoning is necessary in order to provide land for a community-related use which was not anticipated at the time of the adoption of the Town's Comprehensive Plan and that such rezoning will be consistent with the policies and goals of the Comprehensive Plan. This Declaration of Standards for Rezoning shall not control a rezoning which occurs incidental to a comprehensive revision of the Town's Zoning Map.

(C) Amendments to the Official Zoning Map. Any person petitioning for amendment to the Official Zoning Map shall submit an application the Planning Commission through the Building Administrator.

1. *Planning Commission Advisory Report.* Any proposed amendment on the Zoning Map, when initiated by individual petition, shall be referred to the Planning Commission for an advisory report thereon.

2. *Procedure Before Planning Commission.* Before giving an advisory report or initial recommendation on any proposed amendment to the zoning map, the Planning Commission shall first conduct a public meeting thereon. Prior to the public meeting, the applicant requesting amendment to the Official Map shall post his property with a sign, notifying the general public of the time and place of Planning Commission meeting at which said Application for Amendment shall be reviewed. Said sign shall be posted on the property frontage at intervals of approximately five



hundred feet (500') at least fifteen (15) days prior to the scheduled meeting date and shall recite the rezoning applied for.

3. Procedure Before Town Board of Trustees. After receiving the advisory report from the Planning Commission, the Town Board of Trustees shall hold a Public Hearing Before acting on the proposed amendment. Notice of the time and place of the Public Hearing before the Town Board of Trustees shall be given by Town Staff, by one (1) Publication of the same at least fifteen (15) days prior to the hearing, in a newspaper of general circulation in the Town of Grand Lake.

Staff Comments:

The applicant has submitted the required items for requesting a zoning amendment. The applicant has submitted a letter stating why this rezoning is necessary (Exhibit A). The application was received August 3rd, 2022, the applicant revised the letter and resubmitted it August 5th, 2022, Applicant posted said property August 20th, 2022 for notifying the general public of this Sept 7th, 2022 meeting for discussion of an advisory report. Once the Planning Commission creates the advisory report, it will be forwarded to the Board to be reviewed at a properly noticed Public Hearing where they will make their decision on the rezoning.

Commissioner Discussion:

Review the Advisory Report and direct Staff to submit it to the Board of Trustees for a decision to be made.