



Date: September 21<sup>st</sup>, 2022

To: Grand Lake Mayor and Board of Trustees  
From: Chairman Shockey and Planning Commission

RE: Advisory Report for Amendment to Zoning Map



At the September 7<sup>th</sup>, 2022 Planning Commission meeting, the Planning Commission heard the request of the owner Lots 3-5, Block 1 Sunnyside Addition to Grand Lake, more commonly known as 240 and 300 Hancock St. to amend the Town Zoning Map.

Prior to the 2006 Comprehensive Plan being adopted, the parcels were zoned commercial transitional. The owner of the property proposed a development in 2003 that required the property to be zoned as Multi-family Residential to allow for the condominium development. The development was never started and the property continued its use as a hotel.

The parcels directly to the east and west of lots 3-5, Bl1 are zoned Commercial Transitional, and the parcels to the north and south are zoned single family residential and public, respectively. Lots diagonally adjacent to the northeast and southeast are zoned Multi-family Residential.

A letter of support was read aloud from the HOA at 190 Rapids to recommend changing the zoning to Commercial Transitional. Another statement was read that listed the owners at 200 Hancock St., 1124 Mountain Ave, 236 Rapids Lane, and 240 Rapids Lane in favor of changing the zoning to Commercial Transitional.

Two owners in the Town of Grand Lake who self-describe as competitors of the hotel are in favor of the zoning change to commercial transitional.



According to the BOT minutes from 06/25/2007, the justification for changing the zoning of this area as follows:

*The property proposed to be rezoned to Multiple Family Residential High Density is proposed as an anchor to the Commercial District. It is an area of the highest density in the Town and would support condominiums and townhomes along with single family. This area has already experienced this sort of growth and the Town feels this area is most appropriate because of the close proximity to the Commercial District. It will provide a definitive boundary to the Central Business District.*

This same language could be used to state that a commercial transitional zone at the end of the commercial transitional street could act as a definitive boundary to the Central Business District.

The Municipal Code for Amending the Zoning Map (12-2-34) states that the rezoning of land is to be discouraged and allowed only under certain circumstances as provided hereafter... 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.

After considering the application, hearing testimony from the neighbors and public, and after reviewing the current zoning map which reflects the Town's Comprehensive Plan, the Planning Commission found clear and convincing evidence that the request falls under reason number 1, that the land was zoned in error in 2006 when the Town allowed the change from Commercial Transitional to Multi-family residential in order to accommodate a proposed development that did not get built. Specifically, the property was rezoned from Commercial Transitional to Multiple Family Residential High Density in error in 2006 based on the representations of the owner at the time that they intended to change the use of the property from hotel and nightly rentals to apartments, and the 2006 rezoning was granted on that basis. However, the property's use never changed to apartments and has been used continuously since then as for hotel and nightly rentals, making its rezoning to its previous status of Commercial Transitional appropriate.

The Planning Commission Advises that the Board of Trustees move to allow the amendment to the zoning map at Lots 3-5, Block 1, Sunnyside addition to Grand Lake.