



February 15, 2023

Dear Property Owner:

RE: Proposed Ordinance Rezoning Parcels from R-3 to R-10,000

This letter is to explain the action that will be considered by the Board of Trustees at a Public Hearing at a Board meeting scheduled for March 9, 2023.

In 1992, activity to rezone Lake Shadows and Lakeview Estates took place with the Planning Commission and action was taken by the Board of Trustees. However, an ordinance rezoning the properties was never passed.

The first consideration was in February 1992 by the Planning Commission, and the Commission moved to go ahead with all rezoning procedures including sending letters, posting appropriate notice and publication for an April 1992 hearing.

On April 23, 1992, after much discussion, the Planning Commission moved to recommend rezoning the properties from R-3 to R-10,000 and recommended a variance be granted if a hardship is not self-imposed and the fee be waived. The motion passed.

On May 14, 1992, the Board of Trustees moved to refer the same rezoning item back to the Planning Commission. No explanation for the re-referral was recorded in the minutes.

On June 25, 1992, the Planning Commission reconsidered the rezoning and moved to recommend that the area of Lake Shadows and Lakeview Heights be rezoned from R-3 to R-10,000 and a request for a variance be granted if a hardship is not self-imposed and the fee be waived. The motion passed.

On July 9, 1992, after much discussion, the Board of Trustees moved to approve the rezoning with the recommendations of the Planning Commission and adding a recommendation to the Board of Adjustment that variances be granted and the variance fee be waived. The motion passed.

Following such action, it has been determined that an ordinance to finalize the rezoning was not brought back to the Board of Trustees for adoption. This incomplete action was brought to the attention of the current Board of Trustees on August 11, 2022, and direction was given to staff to notice all property owners of the proposed rezoning to R-10,000 at an upcoming Board meeting. Final publication of the ordinance by title if it is adopted will serve as notification to the public that the property has been rezoned.

42 Valley Crescent, P.O. Box 208, Palmer Lake, CO 80133
Phone (719) 481-2953 - Fax (719)488-9305
www.townofpalmerlake.com

If you have any questions about the rezoning activity or draft ordinance to be presented to the Board of Trustees, please feel free to reach out to Town Administrator/Clerk, Dawn Collins, at your convenience. If you would like to provide written comments, please do so prior to Friday, March 3, 2023.

Sincerely,

TOWN OF PALMER LAKE



Dawn A. Collins, CMC
Town Administrator/Clerk

cc: Matthew Krob, Town Attorney

PALMER LAKE, COLORADO

ORDINANCE NO. ##-2023

**AN ORDINANCE REZONING LAKE SHADOWS AND LAKEVIEW
HEIGHTS FROM R3 (MEDIUM DENSITY RESIDENTIAL)
ZONING DISTRICT TO R-10,000 (INTERMEDIATE DENSITY
RESIDENTIAL) ZONING DISTRICT**

WHEREAS, in February of 1992 the Planning Commission first considered and moved to initiate the rezoning process for rezoning the properties known as Lake Shadows and Lakeview Heights, more particularly described on Exhibit A, attached (“the Property”); and

WHEREAS, letters were sent to landowners, and the required postings and publications were made, serving as due notice of a hearing to be held on April 23, 1992 concerning the proposed rezoning; and

WHEREAS, a public hearing on the proposed zoning was held on April 23, 1992, after proper notice, before the Palmer Lake Planning Commission; and based on the materials presented to the Commission and the public comments received by the Commission at the public hearing, the Planning Commission recommended approval of the rezoning and recommended that any non-self-imposed hardship be granted a variance to allow for beneficial use of the Property; and

WHEREAS, on May 14, 1992 the Board of Trustees moved to refer the zoning matter back to the Planning Commission, which it did on June 25, 1992, making the same recommendation as before – rezone the Property from R3 to R-10,000 with granting of variances to address non-self-imposed hardships in order to allow for beneficial use of the Property; and,

WHEREAS, on July 9, 1992, after much discussion, the Board of Trustees moved to approve the rezoning of the Property with the notation that non-self-imposed hardships should be granted a variance to allow for beneficial use of the Property; and

WHEREAS, in August of 2022 it was discovered that no ordinance adopting the rezoning of the Property was passed, and the Board of Trustees directed Town Staff to provide notice of the proposed adoption of such an ordinance; and,

WHEREAS, landowners were mailed letters, publications and postings were made, providing due notice of a public hearing to be held regarding this proposed ordinance on February 15, 2023; and

WHEREAS, now being fully apprised of this matter, and after holding a duly noticed public hearing, and having considered the matter following proper notice, at its regular meeting, the Board of Trustees has examined the materials presented to the Board and the comments of the public and hereby agrees with and confirms the previous findings of the Planning Commission and the previous action of the Board of Trustees.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES AS FOLLOWS:

1. The Property known as Lake Shadows and Lakeview Heights, and more particularly described on Exhibit A is hereby rezoned R3 – Medium Density Residential to R-10,000 – Intermediate Density Residential Zone.
2. The zoning map of the Town of Palmer Lake shall be amended to reflect the above approved rezone designation.
3. The Board of Zoning Adjustments is hereby directed to liberally grant variances to allow for beneficial use of non-self-imposed hardships with fees for such variance applications waived.
4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

5. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 9th DAY OF MARCH 2023.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator, Clerk

BY: _____
Glant Havenar
Mayor

DRAFT