

**PARK COUNTY BOARD OF COUNTY COMMISSIONERS  
PLANNING DEPARTMENT STAFF REPORT**

Board Hearing Date: June 28, 2022

To: Board of County Commissioners

Date: June 22, 2022

Prepared by: John Deagan, AICP; Senior Planner

Case Number: 22ZON-01

Subject: Kelly Rezoning

Request: The applicant is requesting a rezoning from Commercial to Residential.

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**Application Summary:**

Applicant:	Brian and Erin Kelly
Owners:	Same
Location:	Part of the NW ¼ of Section 18, T9S R77W, addressed as 52516 Hwy. 9, Alma. <i>See Attachment 1.</i>
Current Zone District:	Commercial
Surrounding Zoning:	Mining, Residential, and Industrial. <i>See Attachment 2.</i>
Lot Size:	7.04 acres
Proposed Zoning:	Residential

**Background:**

This lot was rezoned from Planned Unit Development to Commercial in 2006 in order to accommodate a Bed and Breakfast. The current owner bought it in 2021 and intends to use the structure solely for residential purposes.

**Land Use Regulations and Strategic Master Plan:**

Each of the standards for approval of a Zoning Map Amendment (LUR Section 5-202) is addressed below.

- A. In considering any petition for amendment of the Official Zoning Map, the following standard shall govern. The applicant for the proposed amendment shall bear the burden of proof and the resolution approving the**

**zoning map amendment shall be approved and adopted only if it is demonstrated by clear and convincing evidence presented during the public hearing that the following conditions or circumstances exist:**

- 1. The property possesses the geological, physical, and other environmental conditions that are compatible with the potential uses permitted in the proposed zone district; and**

The property's geological, physical, and other environmental conditions are compatible with the potential permitted uses in the Residential Zone District. It contains no known environmental constraints apart from possible wetlands roughly two hundred feet from the existing residence.

- 2. The property has a reasonably certain right of permanent legal access permitting vehicular ingress and egress from the property to the public thoroughfare; and**

The property has frontage on Highway 9, a public right-of-way.

- 3. 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; and**

Built access to the lot meets County driveway standards. At the time of application submittal, the existing address sign did not meet current requirements.

- 4. The potential uses of the property within the proposed zone district are compatible with other properties within the immediately surrounding area; and**

Adjacent land uses by tax assessment category are vacant, mining (150 yards from the residence) and an electrical substation (300 yards from the residence). Potential uses within the Residential zone district are compatible with these.

- 5. At least one of the following:**

- a. The rezoning, as proposed, is consistent with the advisory provisions of the Park County Strategic Master Plan; or**

The rezoning is not inconsistent with the goals and strategies of the Park County Strategic Master Plan.

- b. The rezoning, as proposed, is supported by circumstances and conditions within the immediate area which have changed since the adoption of the Park County Strategic Master Plan; or**

Not Applicable.

- c. The rezoning, as proposed, is to a Planned Unit Development.**

Not Applicable.

**Impact Analysis:**

No adverse impacts are anticipated.

**Planning Commission:**

The Planning Commission reviewed this application at their June 8, 2022 meeting and recommended approval of the application with the following condition:

1. Prior to hearing of this application by the Board of County Commissioners, the address sign is replaced by one meeting current Park County requirements.

This condition has been met.

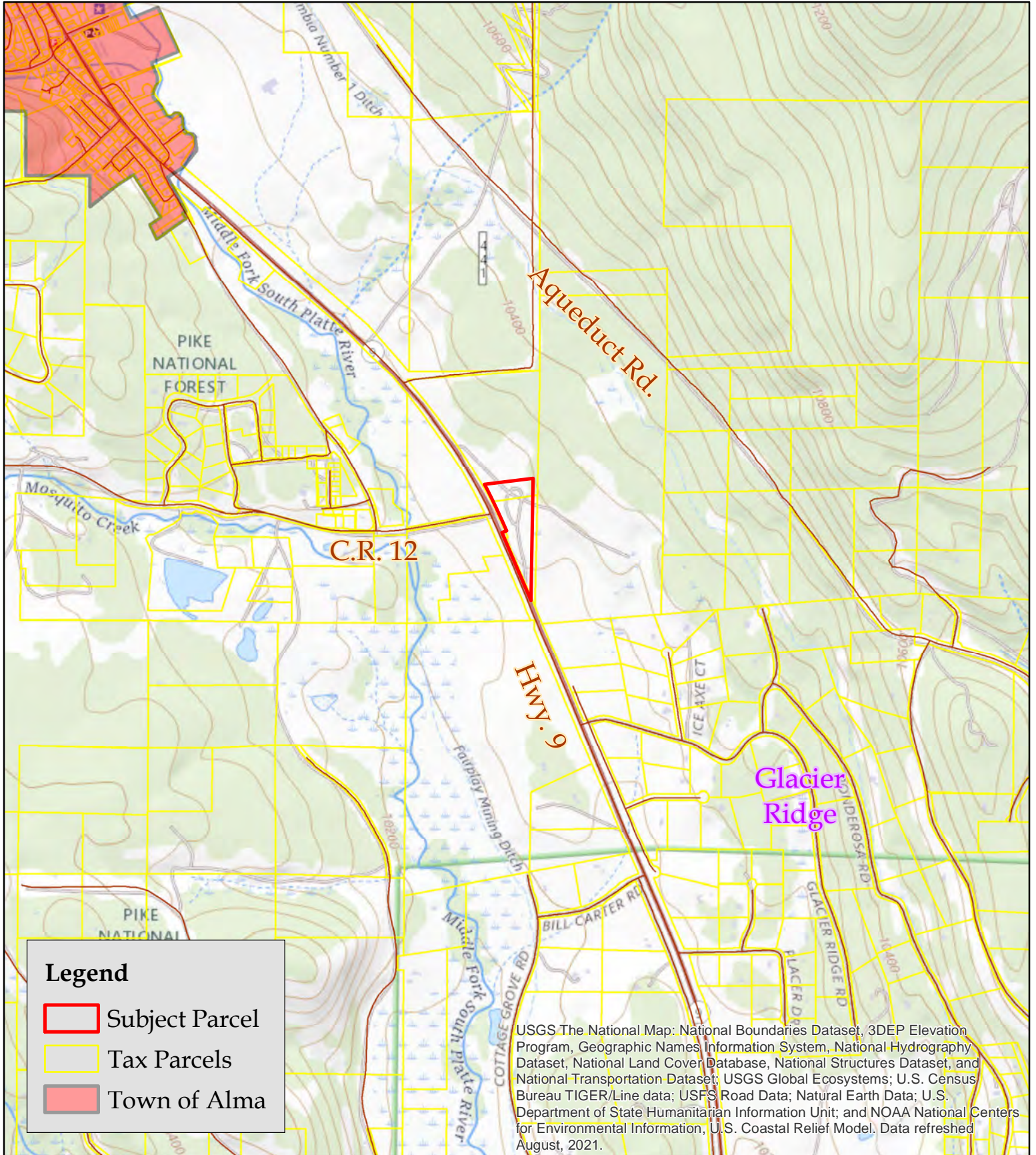
**Recommendation:**

Based on the foregoing, staff recommends that the Rezoning be approved with no conditions.

# Vicinity Map

Contour Interval is 40 Feet

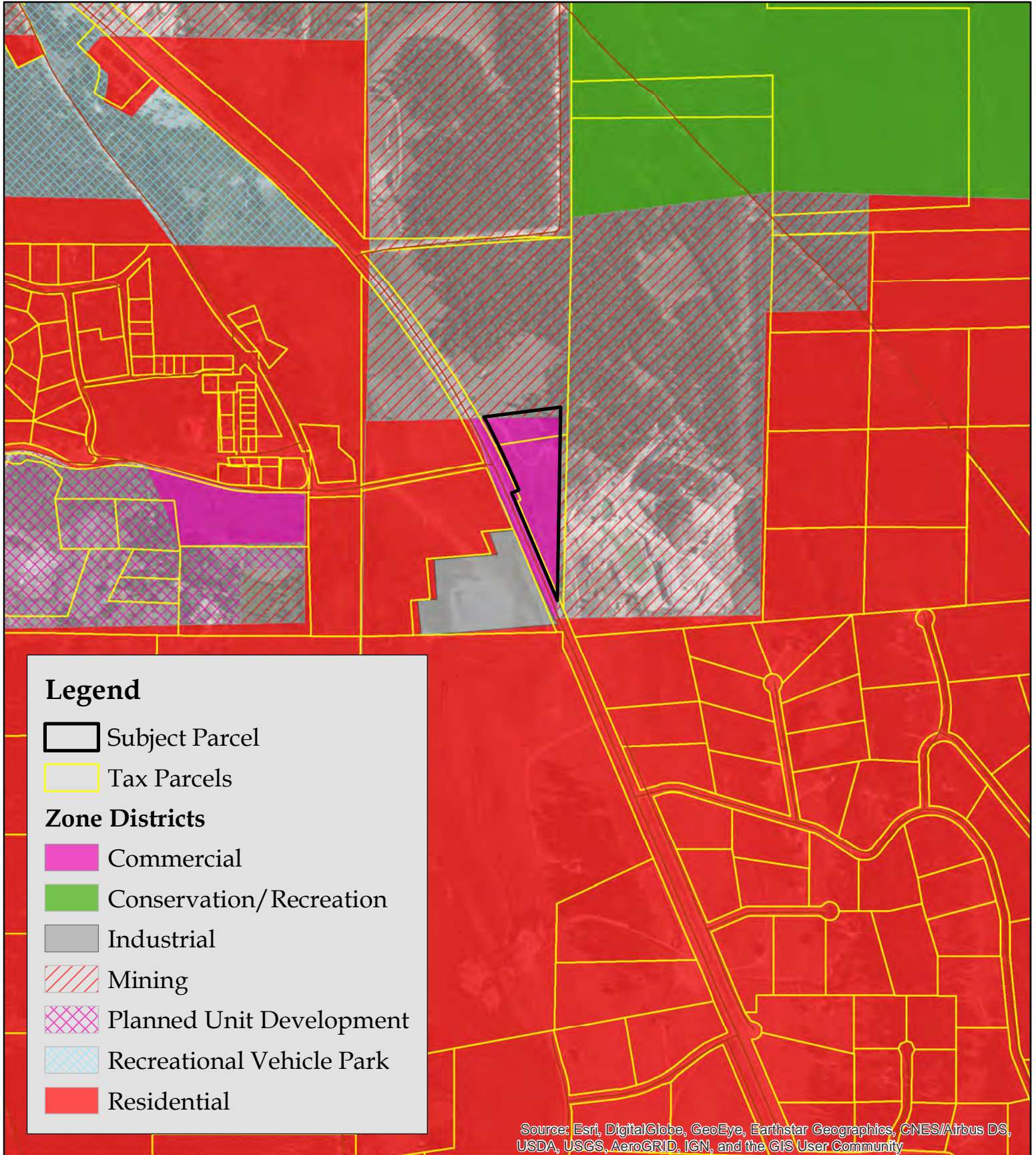
Att. 1



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed August, 2021.

# Zoning Map

Att. 2



## Legend

Subject Parcel

Tax Parcels

### Zone Districts

Commercial

Conservation/Recreation

Industrial

Mining

Planned Unit Development

Recreational Vehicle Park

Residential

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



0 0.15 0.3 0.6 Mile

Park County Planning Department

*This map is not a survey.*