

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

Board Hearing Date: October 22, 2020

To: Board of County Commissioners

Date: October 13, 2020

Prepared by: John Deagan, AICP; Planner

Case Number: 20ZON-04

Subject: Walker and Christianssen Rezoning

Request: The applicants are requesting a rezoning from Planned Unit Development to Residential.

Application Summary:

Applicants:	Tim and Sandra Walker, and Kristen Christianssen and Scott Pearson
Owners:	Same
Location:	Shawnee Lots 2 - 7, addressed as 128, 136, and 148 Waterworks Road.
Current Zone District:	Planned Unit Development
Surrounding Zoning:	Planned Unit Development and Agricultural - a zoning map is included as Attachment 1.
Lot Sizes:	1.02 acres in total
Proposed Zoning:	Residential

Background:

In or shortly before 1998, a strip of land south of Highway 285 including much of Shawnee was rezoned from Residential to Planned Unit Development (PUD). No records regarding this action have ever been found. In particular, the area does not have a development plan, which is a requirement for any proper rezoning to PUD.

The applicants are pursuing a Common Plat Amendment (20AMN-06), which has triggered the requirement for either a PUD amendment or a rezoning to an appropriate zone district. The applicants are applying to rezone their lots to Residential.

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 lot's geological, physical, and other environmental conditions are compatible with the potential permitted uses in the Residential zone district. They do not contain any mapped geologic hazards or other environmental constraints.

- 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 lots have frontage along public rights-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 accesses to the lots meet County driveway standards.

- 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 residential and vacant.

- 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 advisory provisions 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 October 13, 2020 meeting and unanimously recommended approval of the application with no conditions.

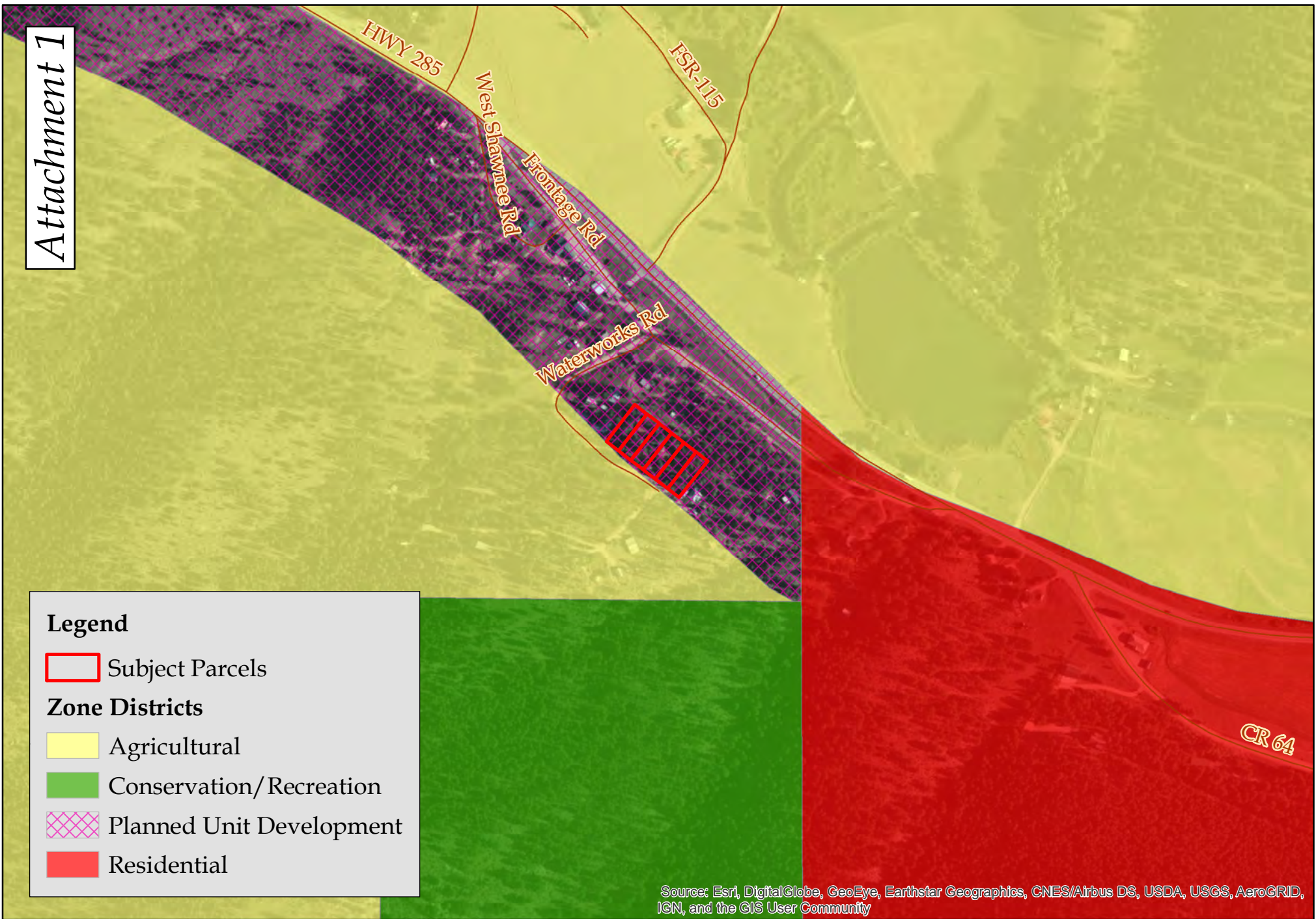
Recommendation:

Staff recommends that the application be approved with no conditions. The BOCC's options are to authorize staff to prepare a resolution to:

- Approve the application with no conditions;
- Approve the application with newly identified conditions; or
- Deny the application.

Alternatively, the hearing can be continued so that the applicant or staff can provide additional information.

Attachment 1



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



Zoning Map

