

**PARK COUNTY PLANNING COMMISSION
PLANNING DEPARTMENT STAFF REPORT**

Planning Commission Hearing Date: September 8, 2020

To: Planning Commission

Date: September 3, 2021

Prepared by: John Deagan, AICP; Planner

Case Number: 21ZON-04

Subject: Klausner Rezoning

Request: The applicant is requesting a rezoning from Agricultural to Commercial for a Neighborhood Scale Church.

Application Summary:

Applicant:	Charles Klausner
Owner:	3JE2B1, LLC
Location:	The NE ¼ NW ¼ and SE ¼ NW ¼ South of Hwy. 24 and the NE ¼ SW ¼ north of C.R. 59, S9 T12 R75, Hartsel. A vicinity map is included as Attachment 1.
Current Zone District:	Agricultural
Surrounding Zoning:	Commercial to west, Residential to Northwest, Agricultural in all other directions - a zoning map is included as Attachment 2.
Lot Size:	40.04 acres
Proposed Zoning:	Commercial

Background:

The land subject to the rezoning application is part of a 1,400-acre parcel that was purchased by the current owner from Colorado East Bank and Trust in 2016. The owner wishes to donate the land to a local religious organization for a new church, and a Senate Bill 35 subdivision and rezoning to Commercial are the easiest way to accomplish this. Since the land is next to Commercially zoned land in the Hartsel townsite and has frontage on both a highway and county road, the rezoning is appropriate.

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 Commercial Zone District. It contains no known 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 property has frontage on Highway 9 and County Road 59, both 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 access to the lot will have to 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 agricultural and commercial. Potential uses within the Commercial 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 consistent with the following advisory provision of the Park County Strategic Master Plan:

Goal 7.1, Strategy L: Consider rezoning land to accommodate commercial/non-residential uses if the proposed development includes adequate water and sewer, if it is proposed on a historic commercial/non-residential site, if it supports the relevant goals and strategies in this master plan and if impacts

on nearby residential neighborhoods are adequately considered and mitigated.

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.

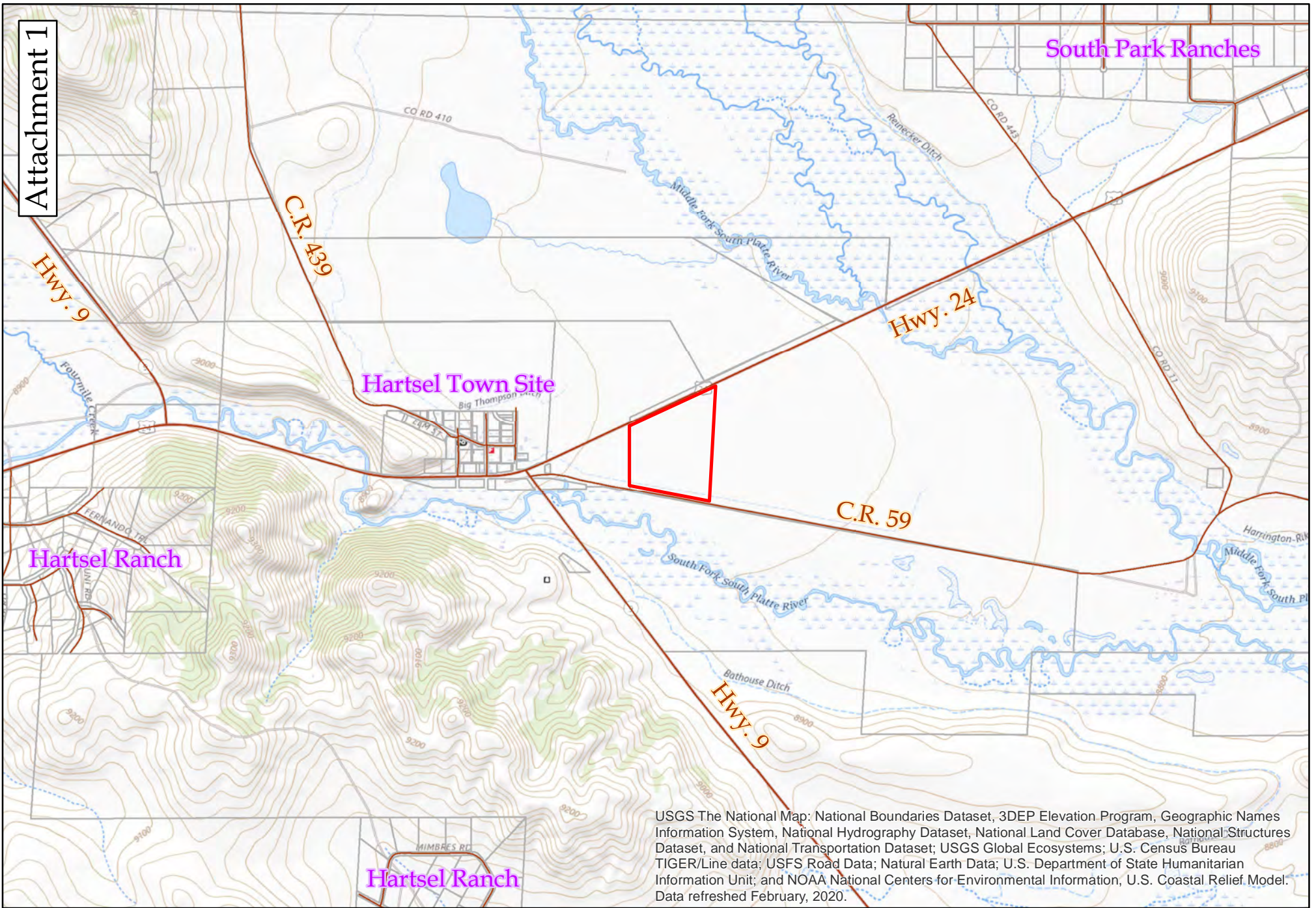
Not Applicable.

Impact Analysis:

No significant adverse impacts are anticipated.

Recommendation:

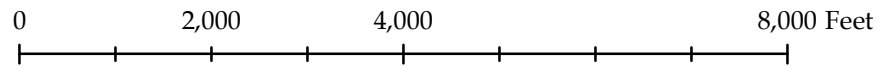
Based on the foregoing, staff recommends that the Rezoning be approved with no conditions.

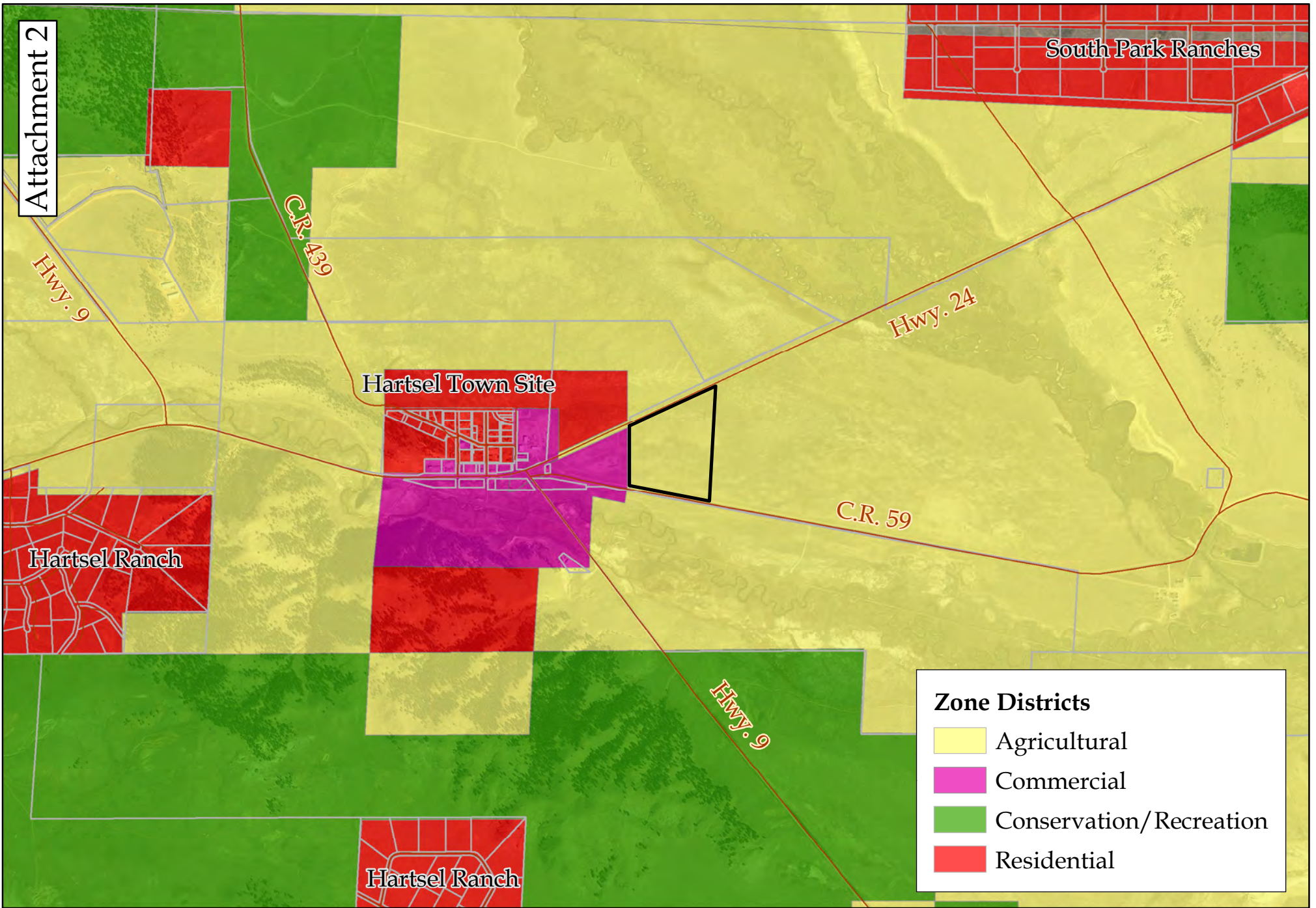


USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS 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 February, 2020.



Vicinity Map
Contour Interval is 20 Feet





Attachment 2

South Park Ranches

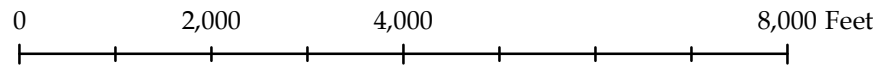
Hartsel Town Site

Hartsel Ranch

Hartsel Ranch



Zoning Map
Contour Interval is 20 Feet



Park County Planning Department

This map is not a survey.