



REGULAR PLANNING COMMISSION MEETING AGENDA
Wednesday, August 23, 2023 5:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose Planning Commission is pleased to have residents of the community take time to attend Planning Commission Meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).

Additional written comments are welcome. If you would like to comment on an agenda item, please email planningmail@cityofmontrose.org. Written comments must be received by noon one week prior to the meeting in order to be included in the Planning Commission packet. After that deadline, comments received by noon the day prior to the meeting will be distributed to the Planning Commission on the meeting day.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please email planningmail@ci.montrose.co.us at least three days before the meeting.

- 1) Planning Commission meeting called to order
- 2) Roll call by the Planning Commission Chair
- 3) Approval of Minutes of the July 26, 2023 meeting
- 4) Additions or Deletions
- 5) **THE GROVE PRELIMINARY PLANNED DEVELOPMENT** The Grove Subdivision has been approved as a preliminary plat for 129 single-family lots along 6725 Rd. The applicant is requesting deviations to setback requirements specifically for porch structures. The property is zoned "R-2" Low Density District.
- 6) **EILTS REZONE** This is a request to rezone 10.8 acres from "R-2" Low Density District to "R-3A" Medium High Density District. The site is known as Lot 1 of the Parks & Wheeler Subdivision, located on the north side of Ogden Rd.
- 7) Other Business
- 8) Next Meeting will be September 13, 2023
- 9) Motion to Adjourn



**AGENDA DE REUNIONES ORDINARIAS DE LA COMISION
DE PLANEACION**

Miércoles 23 de Agosto del 2023 5:00 PM

Despachos del Ayuntamiento, Edificio Cívico Elks - Ave. Cascada Sur #107.

La Comisión de Planeación de Montrose se complace en que los residentes de la comunidad se tomen el tiempo para asistir a las reuniones de la Comisión de Planeación. Alentamos su asistencia y participación. Se alienta a las personas que deseen ser escuchadas durante los procedimientos de audiencia pública a estar preparadas y, por lo general, se limitarán a tres minutos para permitir que todos tengan la oportunidad de ser escuchados. La regla de las 11:00 p.m. se aplicará de acuerdo con el reglamento de la Ciudad de Montrose (Sec. 7-15-2).

Los comentarios adicionales por escrito son bienvenidos. Si desea comentar sobre un tema de la agenda, por favor envíe un correo electrónico a: planningmail@cityofmontrose.org. Los comentarios por escrito deben recibirse antes del mediodía una semana antes de la reunión para ser incluidos en el paquete de la Comisión de Planeación. Después de ese plazo, los comentarios recibidos antes del mediodía del día anterior a la reunión se distribuirán a la Comisión de Planeación el día de la reunión.

Los dispositivos de asistencia auditiva están disponibles para uso del público. Por favor, avísenos si necesita algún otro tipo de asistencia específica. La ciudad también ofrece interpretación para hispanohablantes. Para dar tiempo a reservar este recurso, por favor envíe un correo electrónico a planningmail@ci.montrose.co.us al menos tres días antes de la reunión.

- 1) Se declara Abierta la Reunión de la Comisión de Planeación.
- 2) Pase de Lista por parte del Presidente de la Comisión de Planeación
- 3) Aprobación de las Minutas de la Reunión del día 26 de Julio del 2023.
- 4) Adiciones o Eliminaciones
- 5) **DESARROLLO PLANIFICADO PRELIMINAR “THE GROVE”** La subdivisión “The Grove” ha sido aprobada como plano catastral preliminar para 129 lotes unifamiliares a lo largo del 6725 Rd. El interesado está solicitando variaciones a los requisitos de distancias mínimas, específicamente para las estructuras de porche. La propiedad está zonificada como Distrito de Baja Densidad “R-2”
- 6) **REZONIFICACION EILTS** Esta es una solicitud para rezonificar 10.8 acres del Distrito de baja densidad “R-2” a Distrito de Densidad Media Alta “R-3A”. El sitio es conocido como el Lote 1 de la Subdivisión “Parks & Wheeler”, situado en el lado norte de Ogden Rd.
- 7) Otros Asuntos



- 8) La siguiente Reunión será el 13 de Septiembre del 2023.
- 9) Moción para Levantar la Sesión.



The Montrose City Planning Commission held a meeting on July 26, 2023 at 5:00 p.m. in City Hall Council Chambers. The meeting agenda was posted in accordance with the Colorado Open Meetings Act (C.R.S. §24-6-401, et.seq.).

Planning Commissioners Present: David Fishering (Chair), Chad Huffman (Vice-Chair), Steve Ball, Phoebe Benziger, Ronald Cairns (alternate), Jan Chastain, Delphine Jadot, and Richard Rogers. Absent:

Staff Members Present: William Reis (Planner I), Ben Morris (City Attorney), Sharon Dunning (Building Services Technician).

There was 1 member of the public in attendance.

CALL TO ORDER

Chairperson David Fishering called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES

Richard Rogers moved to approve the minutes of the June 28, 2023 meeting as submitted. Chad Huffman seconded, and the motion carried unanimously.

ADDITIONS OR DELETIONS

None.

PALLANTE ADDITION ZONING HEARING.

This is a proposal for initial zoning of "MHR" Manufactured Housing Residential District for the proposed Pallante Addition, approximately 0.76 acres. This annexation is located on the south side of Juniper Rd.

Staff Presentation

William Reis introduced this item. All public requirements have been fulfilled and the official files and exhibits have been entered into the record.

Applicant Presentation

Tera Pallante, applicant, came forward to answer questions and discuss the reasons for zoning.

Public Hearing

No other members of the public came forward.

Discussion

Planning Commissioners had no concerns, and no members of the public voiced any concerns.

Motion and Vote

Phoebe Benziger moved to recommend to City Council approval the initial zoning request of “MHR” Manufactured Housing Residential District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Delphine Jadot seconded, and the motion passed unanimously.

OTHER BUSINESS

Updates on recommendations from Planning Commission to City Council.

NEXT MEETING

The next Planning Commission meeting is scheduled for August 23, 2023.

PUBLIC COMMENT

None.

ADJOURNMENT

Delphine Jadot moved to adjourn the meeting. Richard Rogers seconded, and the meeting ended at 5:10 p.m.

Chairperson

Attest



CITY OF MONTROSE
Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner II
DATE: August 23, 2023
RE: The Grove Preliminary Plat

ATTACHMENTS

- Exhibit A: Area Maps
- Exhibit B: Excerpts from City of Montrose Municipal Code
- Exhibit C: Preliminary Planned Development

Planning Commission Consideration:

Planning Commission shall make a recommendation to City Council to approve, deny, or approve with conditions The Grove Preliminary Planned Development. The Planning Commission will consider all of the information in this memo in making a decision.

Applicant: Chris Koch

Application Background:

The Grove is a proposed residential development on the southern side of Montrose. The property is approximately 44.64 acres in size and is located at the southeast corner of 6725 Road and Otter Road. The property is zoned "R-2" Low Density District. The approved preliminary plat subdivision proposal anticipates 129 residential lots, and 21.98% of the entire property will be retained as open space. The Preliminary Plat for The Grove Subdivision was reviewed and approved by City Council on March 21, 2023. This allows the applicant to begin infrastructure improvements on the subdivision.

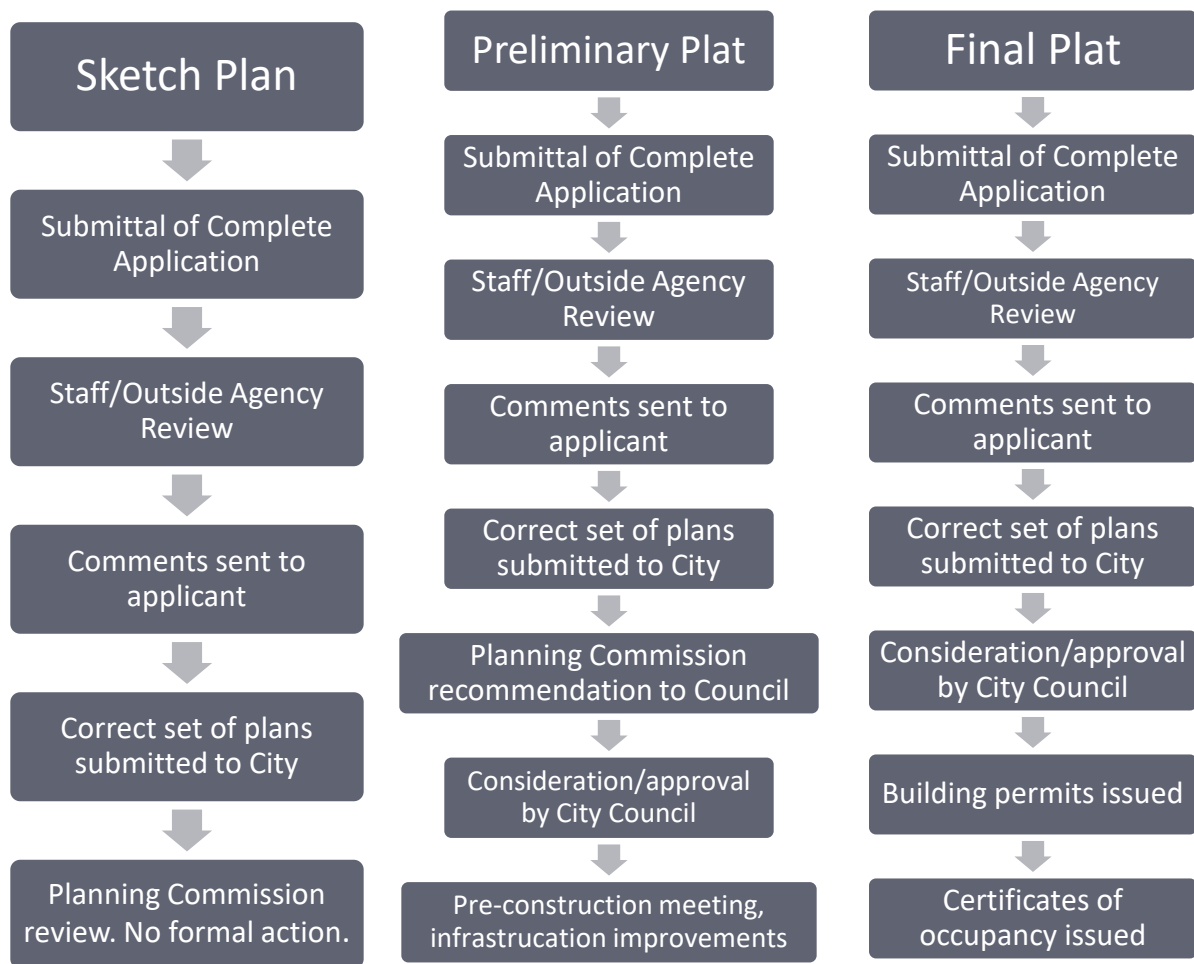
The Grove Planned Development requests a deviation from existing City standards, which would allow open-air porch structures to encroach into required setbacks. The remainder of the structure would need to adhere to the standard setbacks as defined in the underlying zoning district. The following table illustrates the requested setbacks for porches:



Setback Type	Min. Setback-Porch	Min. Setback-Remainder of Structure
Front	17 Ft	25 Ft
Side	5 Ft	6 Ft
Corner Lot	14 Ft	20 Ft
Rear	15 Ft	20 Ft

Subdivision Process:

The following flowchart shows the overall process of approvals for subdivisions and planned developments.



Staff Analysis:

1. Planned Development Application Details & Review Standards:

The City of Montrose Municipal Code outlines the process and standards for Subdivision applications. The preliminary plat and proposed improvements shall comply with all requirements of the subdivision regulations and other applicable City design and construction specifications and standards. The Planning Commission should consider whether the project meets the standards outlined within Section 11-7-8 and summarized below:

- A. A planned development must be in substantial conformity with the City's Comprehensive Plan. No development with more than one building, with one or more dwelling units therein, may be erected on a single lot, tract, parcel or site unless a PD Plan, providing therefore, is approved pursuant to this Section.
- B. A minimum of 20 percent of the gross area of the planned development must be preserved as parks or open space, provided, however, this requirement shall not apply to a proposed PD containing six or fewer units and processed under Subsection C(5).
- C. Planned developments in the "RL" zoning district must consider and reasonably minimize adverse impacts on existing agricultural uses or other property in the area.
- D. Residences may be clustered, including the use of duplexes and multifamily residences.
- E. Approval of a planned development by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the developer does not accept all conditions, that development must adhere to standard subdivision and zoning requirements.
- F. Dimensional requirements, except those relating to overall residential density, which would otherwise be required by the City Zoning Regulations, or other City regulations for the district affected, may be deviated from in accordance with the plan as approved, if the Review Board determines that such deviations will promote the public health, safety and welfare.
- G. The Review Board may impose conditions as necessary or appropriate. The total number of residential units shall not exceed the area of the site divided by the minimum lot sizes specified for the zoning districts included.

2. Comprehensive Plan - Land Use Map Designation:

- a. The Comprehensive Plan Future Land Use Map identifies this parcel as located in an area proposed as follows: **Residential Mixed Density Low**. *This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes).*



3. Zoning Regulations:

- b. Municipal Code, Section 11-7-5(A)(4): The "R-2" Low Density District is intended to provide for the development of single-family residences, along with certain other compatible land uses.
 - c. The proposed uses are a use-by-right in this zoning district. The current zoning is compatible with general conditions in the area. Adjacent to the north is R-1 zoning, to the south and east is R-2 zoning, and to the west is R-3 zoning and some unincorporated land within Montrose County zoned General Agriculture.
4. The Grove Preliminary Planned Development does not appear to be adverse to the public health, safety and welfare and is in compliance with the City's Planned Development Regulations.

Planning Commission Action:

The Planning Commission shall make a recommendation to the City Council to approve, deny, or approve with conditions The Grove Preliminary Planned Development. Proposed motions for the Planning Commission are included below.

Approval Motion:

"I hereby make a motion to recommend to City Council approval of the Preliminary Planned Development application with the following condition(s). The approval of this Preliminary Planned Development is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Planned Development. The City staff is not authorized by this approval to execute the Final Planned Development prior to all conditions being satisfied. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.

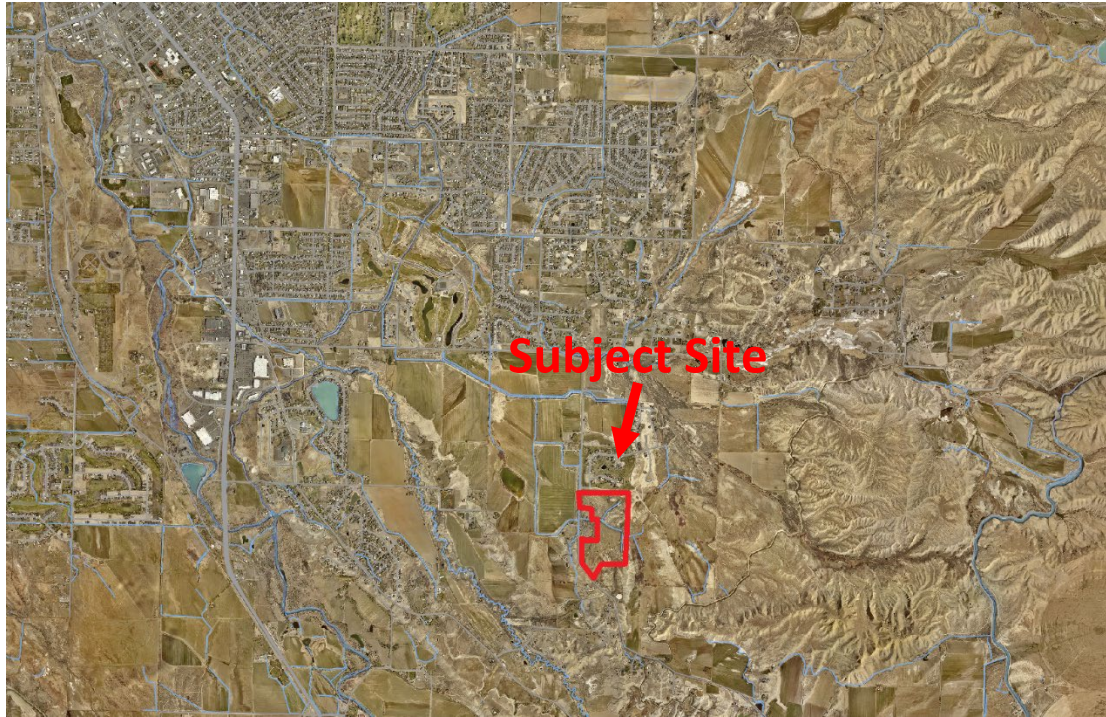
Denial Motion Recommendation:

"I hereby make a motion to recommend to City Council denial of the Preliminary Planned Development application. The request does not meet the Code criteria based on the evidence and testimony presented at this hearing and in the staff report."

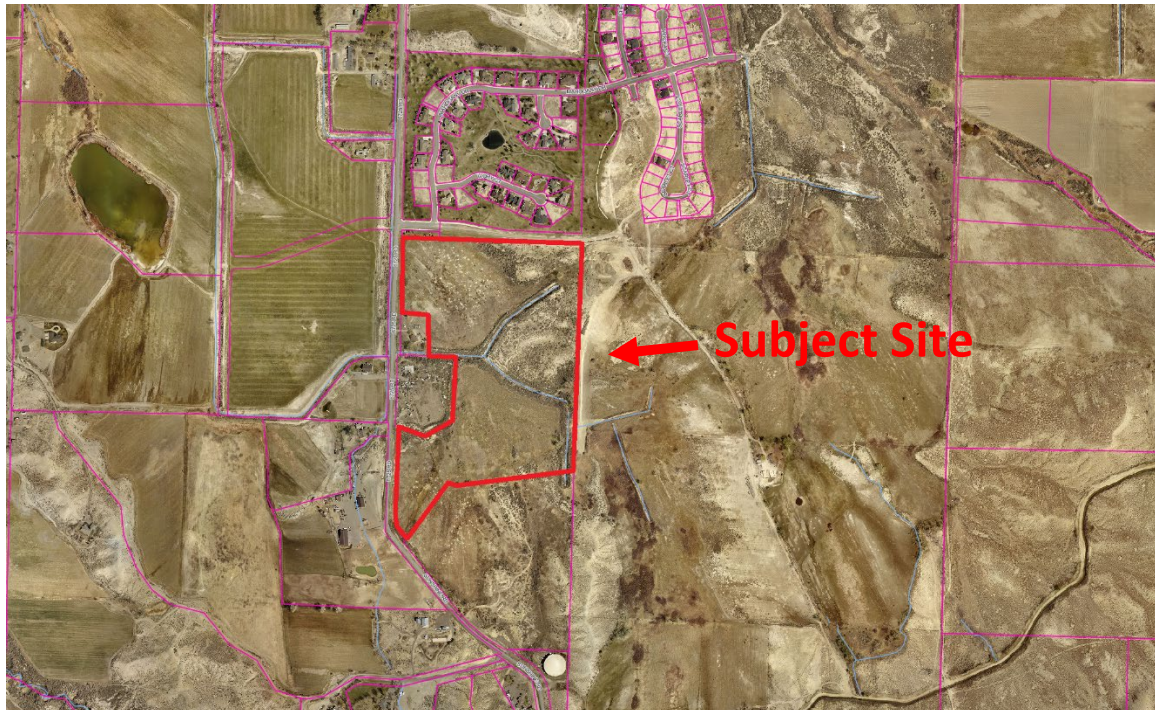


EXHIBIT A: Area Maps

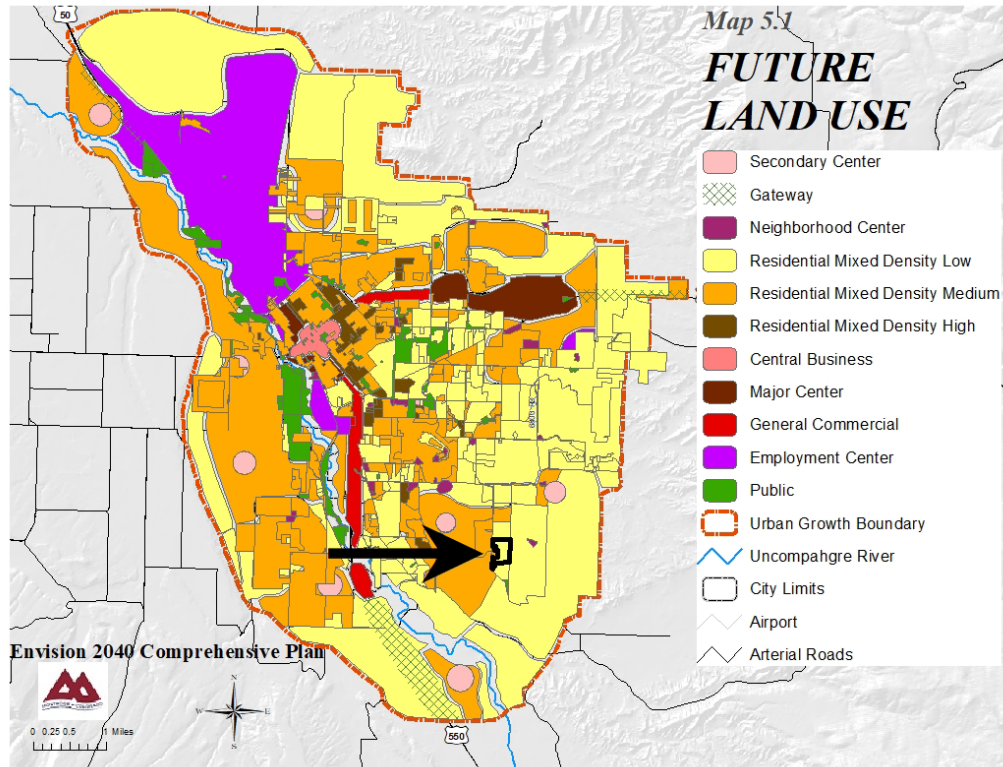
Vicinity Map (Zoomed Out)



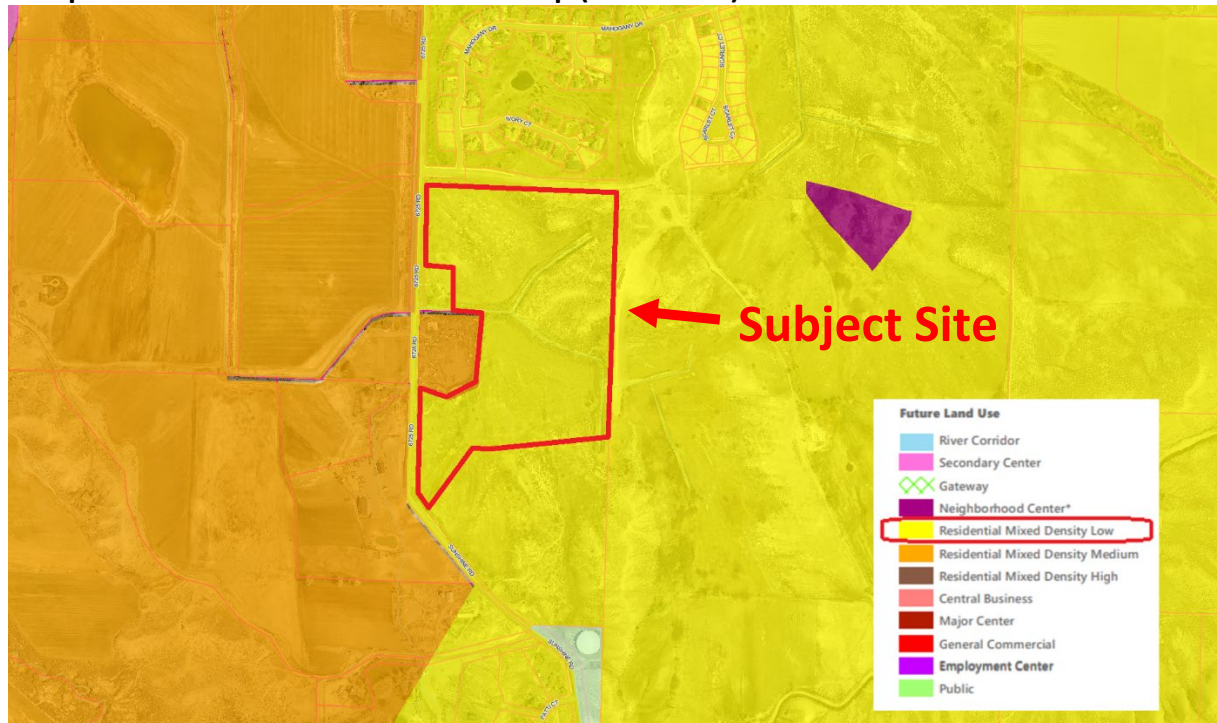
Vicinity Map (Zoomed In)



Comprehensive Plan Future Land Use Map



Comprehensive Plan Future Land Use Map (Zoomed In)



Current Zoning Map (R-2 – Low Density District)

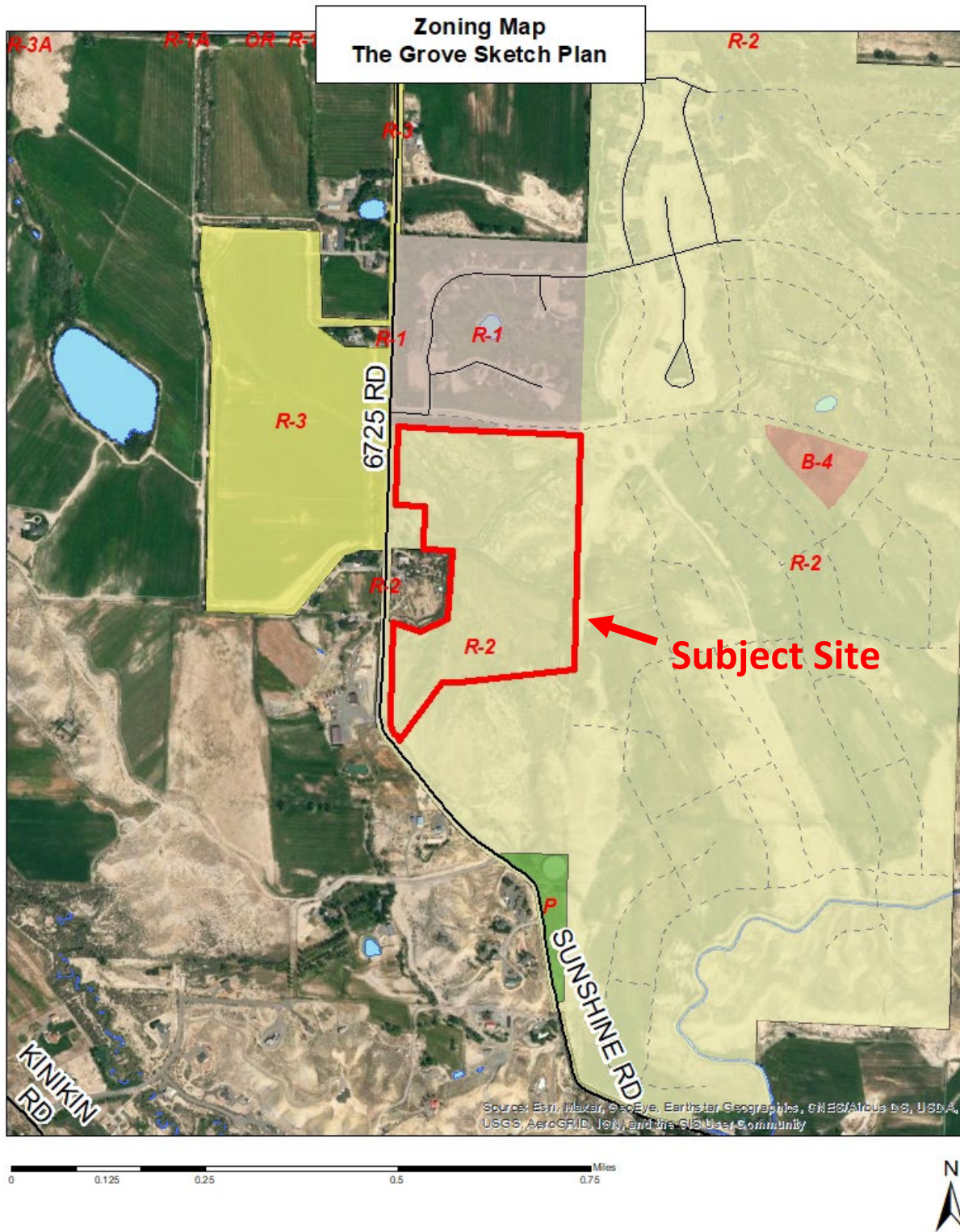


EXHIBIT B: Code Excerpts

Sec. 11-7-8. Planned Development (PD).

- (A) *Intent.* The intent of this Section is to encourage the development of tracts of land in accordance with an overall development plan by providing flexibility with respect to dimensional requirements of residential units and to provide for procedures and requirements for multi-building residential development.
- (B) *General Provisions.*
 - (1) A planned development must be in substantial conformity with the City's Comprehensive Plan. No development with more than one building, with one or more dwelling units therein, may be erected on a single lot, tract, parcel or site unless a PD Plan, providing therefore, is approved pursuant to this Section.
 - (2) A minimum of 20 percent of the gross area of the planned development must be preserved as parks or open space, provided, however, this requirement shall not apply to a proposed PD containing six or fewer units and processed under Subsection C(5).
 - (3) Planned developments in the "RL" zoning district must consider and reasonably minimize adverse impacts on existing agricultural uses or other property in the area.
 - (4) Residences may be clustered, including the use of duplexes and multifamily residences.
 - (5) Approval of a planned development by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the developer does not accept all conditions, that development must adhere to standard subdivision and zoning requirements.
- (C) *Permitted Uses in a PD.*
 - (1) Any use permitted in the underlying zone district, limited as to its status as a use by right, a conditional use, or a temporary use.
 - (2) Modular housing used for single family homes, duplexes or multiple family residences may be allowed in any zoning district, if approved as part of the planned development.
- (D) *Administrative PD Procedure.* This procedure is applicable for planned developments containing six or fewer units:
 - (1) All lots or tracts are adjacent to a dedicated and accepted public street;
 - (2) The lots are part of a subdivision or PD plat that has been previously approved and/or accepted by the City and recorded in the Montrose County Records;
 - (3) All improvements required by applicable City ordinances and regulations, including those related to PD Plans, are already in existence and available to serve each lot, or secured;
 - (4) No part of the Administrative PD has been approved as part of an Administrative PD within three years prior to the date of submission of the Administrative PD plat;
 - (5) No material changes to prior restrictions or easements are proposed; and
 - (6) Provisions of Section 11-5-3(B) through and including (E) of this Title shall apply.
 - (7) Approval of an Administrative PD by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the applicant does not accept all conditions, that development must adhere to standard subdivision or PD requirements, and proceed through the applicable approval process.



- (8) Prior to any review of the Administrative PD, the applicant shall provide written consent of all property owners within the proposed Administrative PD plan area. To the extent only a portion of a prior-approved Administrative PD plan area is proposed to be amended by the Administrative PD Plan application, then only the consent of the property owners within such portion shall be required.

(E) *Dimensional Requirements, Densities.*

- (1) Dimensional requirements, except those relating to overall residential density, which would otherwise be required by the City Zoning Regulations, or other City regulations for the district affected, may be deviated from in accordance with the plan as approved, if the Review Board determines that such deviations will promote the public health, safety and welfare.
- (2) The Review Board may impose conditions as necessary or appropriate. The total number of residential units shall not exceed the area of the site divided by the minimum lot sizes specified for the zoning districts included.

(F) *Review of Sketch, Preliminary and Final PD Plan.*

- (1) The sketch plan, preliminary plan and final PD plans shall be reviewed pursuant to the procedures and requirements for subdivisions as set out in Chapter 11-5 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process. For the approval of any preliminary PD Plan or a substantial amendment to a PD plan, a hearing shall be held before City Council.
- (2) Prior to any review of the Sketch, Preliminary and Final PD Plan, the applicant shall provide written consent of all property owners within the proposed PD plan area. For the purposes of this Section, "PD plan area" is the entirety of the territory proposed to be included in a PD plan; provided, however, that for applications for PD plan amendments, only the portion of the PD plan area being amended or affected shall constitute the PD plan area for such application for purposes of consent; nevertheless, all owners of property within the PD must be given notice of the public hearing at which the amendment is to be considered.
- (3) Conditions may be imposed as appropriate to assure that the PD plan is consistent with the City's Comprehensive Plan and promotes the public health, safety and welfare.
- (4) The plan shall show the location, size, number of dwelling units, and other uses, and shall further set out the location of all parks, open space, parking areas, streets, sidewalks, trails, bike paths and other improvements and structures. All information necessary to show compliance with the requirements of this Section shall be submitted. Where appropriate, in lieu of exact locations, numbers and sizes, parameters or limits may be set out.
- (5) The PD Plan as approved shall be recorded.
- (6) The final PD plan may be treated as a vested right pursuant to the procedure in 11-4-9.

(G) *Required Improvements.*

- (1) All PDs shall provide the same improvements as required for subdivisions in Chapter 11-5 of this Title, and security therefore shall be provided as set out in Section 11-5-12 of this Title.
- (2) All improvements shall be constructed in accordance with standard City design and construction specifications and standards, in substantial conformity with the PD plan, and in accordance with subdivision design standards as set out in Chapter 11-5 of this Title, except as modified by the PD plan.
- (3) An entity shall be established or provided for ownership and maintenance of all facilities and open spaces, which are approved for common ownership or not dedicated to the City.



- (4) Flexibility in the scope and design of required improvements and design standards may be allowed to provide for innovative urban design which promotes the public health, safety and welfare. A public street shall be dedicated to the City and developed at the developer's cost to provide direct access to each building with residential units or to the parking lot serving the building.

(H) *Enforcement and Amendments.*

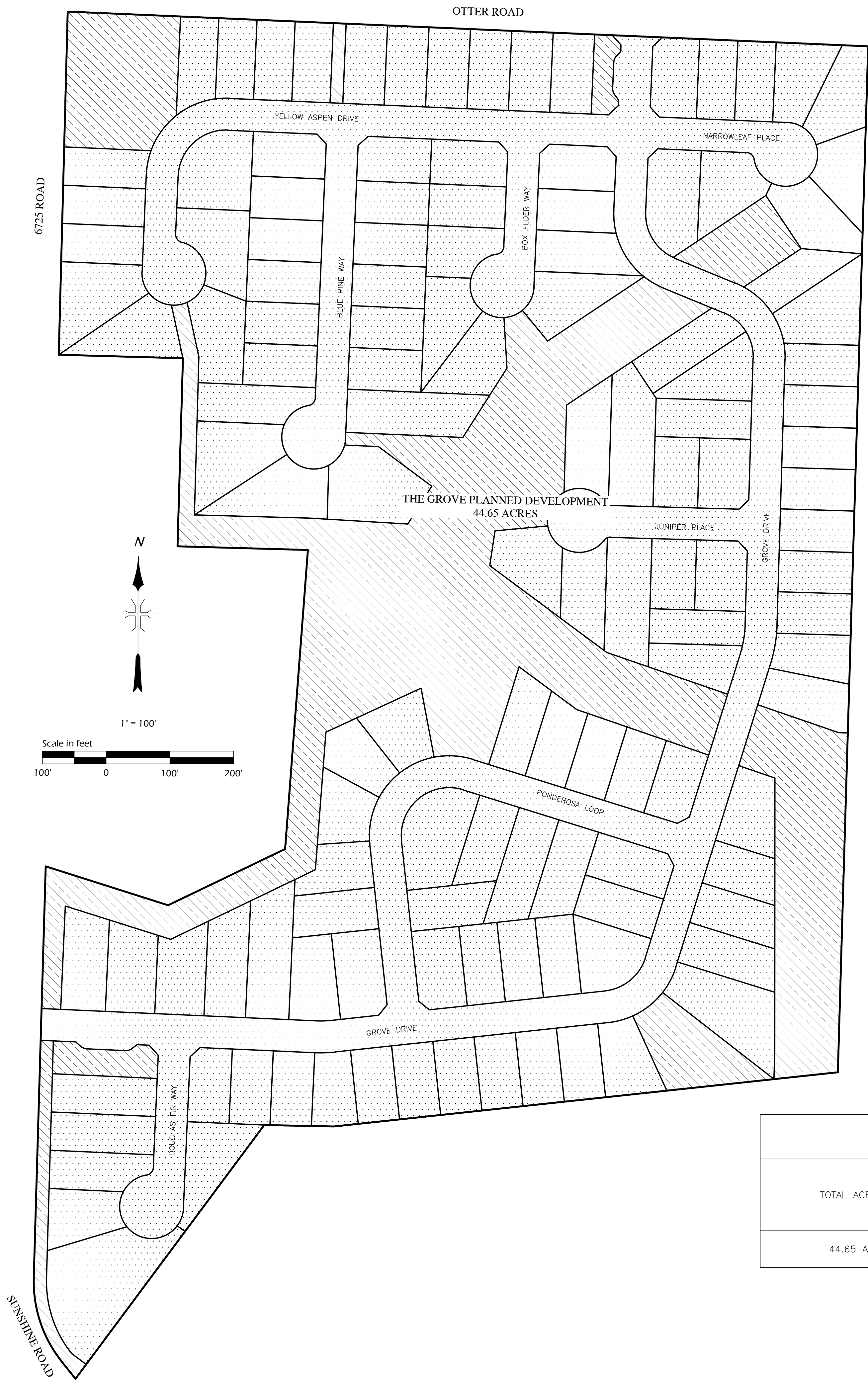
- (1) The PD plan may be enforced in accordance with or in the same manner as the provisions of the Planned United Development Act of 1972, as amended, C.R.S. 1973, § 24-67-101 et seq., as amended or in any lawful manner. In addition, no occupancy permit shall be issued for any building unless all site improvements to serve that unit and any commonly-owned facilities have been completed and approved unless security for completion is provided substantially similar to the security required for subdivision improvements by 11-5-12 of this Title, except that cash must be placed in the escrow account prior to issuance of the occupancy permit.
- (2) Amended PD plans may be submitted for review and approval in the same manner as the initial PD Plan. An applicant for an Amended PD plan shall submit written consent of the property owners of the portion of the PD plan area to which the application applies, prior to and as a condition of the initiation of review of the application. Written consent from all property owners within the prior-approved PD plan area is not required as part of the Amended PD plan application. Advance notice of any review of an Amended PD plan application by the Planning Commission shall occur pursuant to Chapter 11-5 of this Title, with the added requirement that advance written notice shall be provided to all property owners of record within the prior-approved PD plan area, in addition to all property owners of record adjoining or within 300 feet of the proposed Amended PD plan area.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)



THE GROVE PLANNED DEVELOPMENT PLAN

CITY OF MONTROSE, STATE OF COLORADO



LEGEND

- = THE GROVE PLANNED DEVELOPMENT
- = OPEN SPACE (9.80 ACRES)



VICINITY MAP
N.T.S.

PLANNED DEVELOPMENT PLAN CERTIFICATE

The undersigned owner named herein, hereby submit this Planned Development Plan under the name and style of THE GROVE PLANNED DEVELOPMENT PLAN, in accordance with the requirements of Section 4-4-24 of the Official Code of the City of Montrose, Colorado, and hereby declare this Plan to be a covenant which shall run with the land described on this Plan for the mutual benefit of the owners thereof, which Plan may be amended in accordance with the procedures for an amendment set forth in Section 4-4-24 of the Official Code of the City of Montrose, Colorado.

OWNER APPROVAL OF P.D. PLAN

Owner _____ Date _____
Christopher Koch, The Grove at Montrose

CITY APPROVAL OF P.D. PLAN

City Engineer _____ Date _____
Scott Murphy, P.E.

City Attorney _____ Date _____
Ben Morris

City Planning Commission Chair _____ Date _____
David Fishing

City Mayor _____ Date _____
Barbara Bynum

GENERAL NOTES

The intent of this PD is to allow porch encroachments into required setbacks to promote street activation and quality porch elements. Measurements are to be measured from the required setback line to the eave line.

DEVIATIONS FROM CITY STANDARDS

SETBACK TYPE	MIN. SETBACK-PORCH*	MIN. SETBACK- REMAINDER OF STRUCTURE**
FRONT	17 Ft	25 Ft
SIDE	5 Ft	6 Ft
CORNER LOT	14 Ft	20 Ft
REAR	15Ft	20 Ft

* PORCH ENCROACHMENTS SHALL BE MEASURED TO THE EAVE LINE. PORCH ENCROACHMENTS SHALL BE ALLOWED INTO THE STANDARD SETBACKS AS DEFINED IN THE TABLE AND PORCHES SHALL REMAIN OPEN-AIR (MAY NOT BE ENCLOSED PORCHES). NO PORTION OF PORCH ENCROACHMENTS (INCLUDING EAVE OVERHANG) SHALL BE ALLOWED INTO ANY UTILITY OR DRAINAGE EASEMENT. MINIMUM PORCH SETBACK VALUES MAY ONLY BE CHANGED THROUGH AMENDMENT OF THE PLANNED DEVELOPMENT.

** MINIMUM SETBACKS FOR THE REMAINDER OF THE STRUCTURE ARE PRESENTED BASED ON THE EXISTING ZONING OF THE PARCEL. IF THE PROPERTY IS REZONED IN THE FUTURE, THESE SETBACK MINIMUMS WOULD CHANGE TO MATCH THOSE ALLOWED BY THE UNDERLYING ZONING.

PROPERTY DESCRIPTION

OUTLOT A, BRIAN NICHOLS-AMERDEV MINOR SUBDIVISION ACCORDING TO THE PLAT RECORDED MAY 22, 2019 AT RECEPTION NO. 909297, AND AFFIDAVIT OF CORRECTION RECORDED JUNE 27, 2019 AT RECEPTION NO. 910482 COUNTY OF MONTROSE, STATE OF COLORADO

RECORDER'S CERTIFICATE:

This plat was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of _____, on the ____ day of _____, _____, under Reception No _____.

Clerk and Recorder
Montrose County, Colorado

THE GROVE PLANNED DEVELOPMENT LAND SUMMARY

TOTAL ACREAGE:	REQUIRED OPEN SPACE:	TOTAL OPEN SPACE:
44.65 Acres	8.93 Acres	9.80 Acres (21.98%)

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

FILE LOCATED AT: \\DMS14\PROJECTS\ACTIVE PROJECTS\2022\22093-KOCH 6725 RD PROPERTY PLANNING\C3D

		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. Montrose, CO 81401 (970) 249-2251 (970) 249-2343 FAX www.del-mont.com service@del-mont.com		TITLE: THE GROVE PLANNED DEVELOPMENT PLAN	
FIELD BOOK:		DRAWN BY: DCC		DATE: 2023-08-10	
SHEET: 1 of 1		FILE: 22093V_PD-PLAN		JOB NO.: 22093	
				CLIENT: CHRIS KOCH	
				ADDRESS & PHONE: 2049 BROOK WAY MONTROSE, CO 81403	
				TYPE: PD PLAN	



CITY OF MONTROSE
Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner II
DATE: August 23, 2023
RE: Eilts Rezone

ATTACHMENTS:

- Exhibit A: Maps & Illustrations
- Exhibit B: Photos of Project Area
- Exhibit C: Zoning Code Excerpt

Planning Commission Consideration:

The Planning Commission shall make a recommendation to City Council on the Eilts Rezone. The Planning Commission will consider all of the information in this memo in making a decision.

Applicant: Angel Eilts

Application Background:

The Applicant is proposing a request to rezone of a portion Lot 1 of the Parks & Wheeler Subdivision, located on the north side of Ogden Rd, totaling approximately 10.8 acres from “R-2” Low Density District to “R-3A” Medium High Density District.

Proposed Zoning: “R-3A” Medium High Density District

Staff Analysis:

1. Municipal Code, Section, 11-7-12(A), Rezoning.
“Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:



- The amendment is not adverse to the public health, safety and welfare; and
 - The amendment is in substantial conformity with the Comprehensive plan; or:
 - i. The existing zoning is erroneous, or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.”
2. The Planning Commission should consider the merits of the proposed rezone only and make a recommendation to City Council based on whether it should be rezoned to “R-3A” Medium High Density District. The current zoning is “R-2” Low Density District.
- Zoning Regulations. The "R-3A" Medium High Density District is intended to provide for an area which is suitable for single-family homes, duplexes and multifamily residences, along with certain other compatible land uses. (Section 11-7-5)
 - Exhibit C includes an excerpt from the Municipal Code showing uses by right and conditional uses.
3. The property is adjacent to properties zoned “R-2” Low Density District, “R-3A” Medium High Density District, “R-4” High Density District, and areas outside of City limits.
4. Rezoning Criteria
- The property was originally annexed and zoned in 2001. Nearby commercial and higher density development have occurred since that time, and the area is urbanizing. Later annexations nearby have encouraged and allowed for infill development, and expansion of utilities. Commercial development, vicinity to the Montrose Recreation District Center, and vicinity to recreational and bike trails indicate material change to the area which supports a rezone to higher density zoning.
 - The proposed rezone addresses several goals and objectives found within the Envision 2040 Comprehensive plan:
 - Goal LU (Land Use) 5: Infill & Redevelopment: Promote higher density infill and redevelopment of underutilized sites and support development in areas that can be easily accessed by foot, bike, and/or public transit.
 - Goal HN (Housing & Neighborhoods)-1: Housing Variety. Encourage a variety of housing types, tenure, and density to meet the needs of the community.
 - Objective 1.1 Promote a mix of residential housing types including single-family homes on a variety of lot sizes, multi-family housing, townhomes, apartments, senior housing, and transitional housing.
 - Objective 1.2 Encourage a variety of housing densities (low, medium, high) throughout the community, including mixed-density neighborhoods.



- Goal HN-2: Affordable Housing. Increase access to affordable housing.
 - Objective 2.1 Encourage a mix of housing price ranges, thereby providing choices for residents of all incomes and ages.
5. The proposed rezone does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements, zoning in the surrounding area, and the Comprehensive Plan.

Staff Recommendation:

Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; conditions in the area have changed materially since the parcel was first zoned; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "R-3A" Medium High Density District.

Planning Commission Recommendation:

Approval Motion Recommendation:

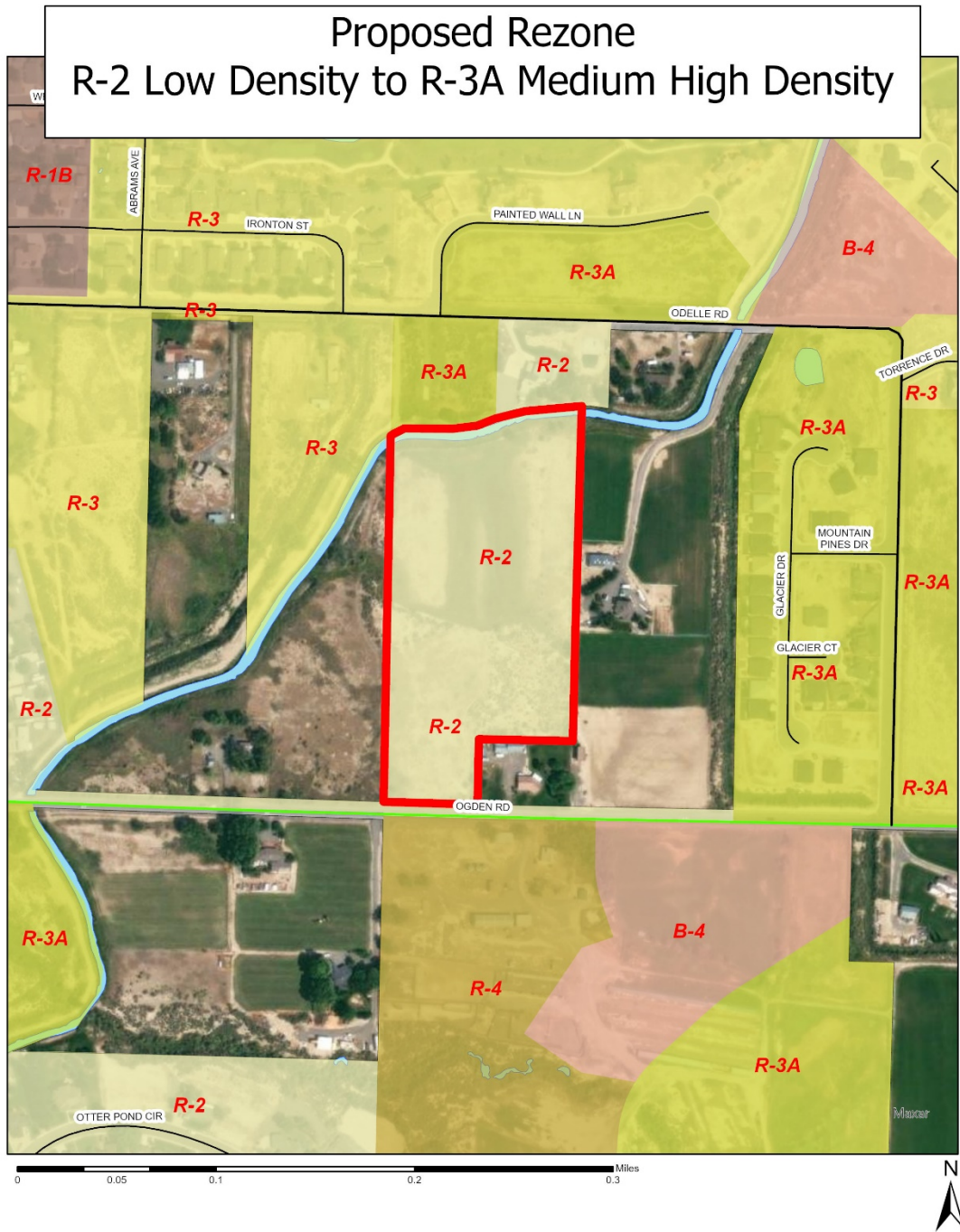
"I hereby make a motion to recommend approval of the rezone request of the Eilts Rezone to "R-3A" Medium High Density District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report."

Denial Motion Recommendation:

"I hereby make a motion to recommend denial on the request. The request does not meet the Code criteria based on the evidence and testimony presented at this hearing and in the staff report."



EXHIBIT A: Maps & Illustrations



Comprehensive Plan Future Land Use Map

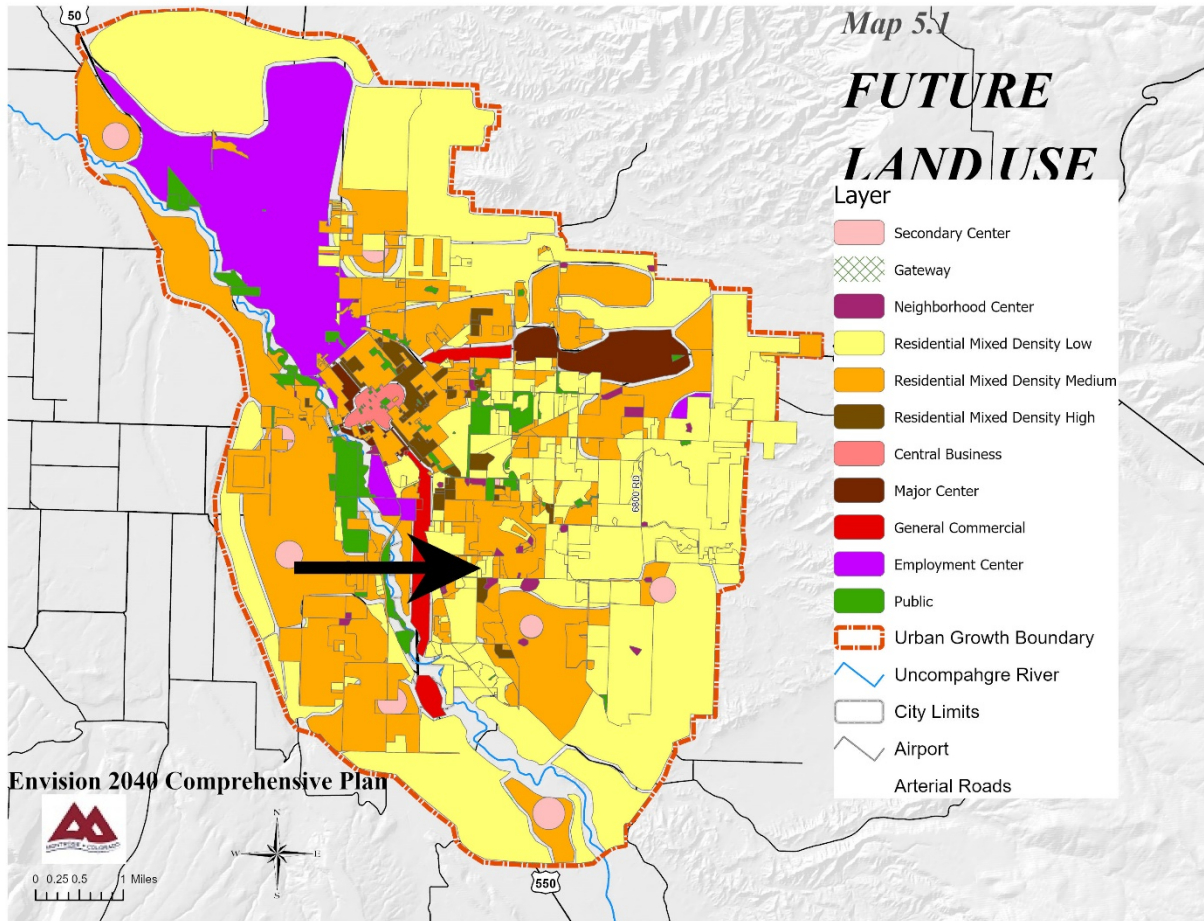


EXHIBIT B: Photos of Project Area











Exhibit C: Zoning Code Excerpt

Sec. 11-7-6. District uses.

- (A) *Permitted uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
- (1) The use will not be contrary to the public health, safety, or welfare.
 - (2) The use is not materially adverse to the City's Comprehensive Plan.
 - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
 - (5) The use will not have an adverse effect upon other property values.
 - (6) Adequate off-street parking will be provided for the use.
 - (7) The location of curb cuts and access to the premises will not create traffic hazards.
 - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
 - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory uses.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following limitations:
- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
 - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
 - (3) An accessory use shall be located on the same lot as a principal use.
- (E) *Temporary Use Permits.*
- (1) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.



- (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.
- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(F) *Uses Not Listed.*

- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
- (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
 - (a) The appeal must be made in writing and filed within 30 days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 15 days prior to the hearing.
 - (c) The City Council shall approve or deny the appeal.
 - (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.

(G) *Schedule of Residential Zone District Uses.*

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
COMMERCIAL USES										
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations	P									



with a high density of animals.										
Rental storage units with a maximum rental unit size of 200 square feet.										C
Short-term rentals	P	P	P	P	P	P	P	P	P	P
<i>INSTITUTIONAL USES</i>										
Assisted living facilities					C	C	C		C	C
Childcare facilities	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	C	C	C	C	P	P	P	C	C	P
Schools	C	C	C	C	C	C	C	C	C	C
<i>RECREATIONAL USES</i>										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
<i>RESIDENTIAL USES</i>										
Duplex					P	P	P		P	
Group homes—handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P
Group homes—handicapped/disabled > 9 persons (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured housing				1				P	P	P
Mobile homes (See Sec. 11-13)										P
Mobile home parks (See Sec. 11-13)										P
Modular housing								P	P	P
Multi-family dwelling					C	P	P		C	
Single-family dwelling	P	P	P	P	P	P	P	P	P	P
<i>UTILITIES AND TELECOMMUNICATION FACILITIES</i>										

Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C
OTHER USES										
Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E)(1-3))	T	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4))	T	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6(2))		T	T	T	T	T	T	T	T	T
Legend: Zoning Districts				Legend: Use Type						
RL: Rural Living				P: Permitted Use						
R-1: Very Low Density				C: Conditional Use						
R-1A: Large Estate				A: Accessory Use						
R-1B: Small Estate				T: Temporary Use						
R-2: Low Density										
R-3: Medium Density										
R-3A: Medium High Density				Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).						
R-4: High Density										
R-5: Low Density/Manufacture Housing										
R-6: Medium Density/Manufacture Housing										
MHR: Manufactured Housing Residential										

¹ Manufactured housing is prohibited except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

(H) *Schedule of Mixed Use, Commercial and Industrial Zone District Uses.*

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
COMMERCIAL USES									
Automobile and vehicle sales, repair or service establishments			C	C	P	P			
Automobile body shops			C	C	P	P			
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials businesses			C	P	P	P			



Car washes				P	P	P	C		
Commercial businesses		C							
Commercial uses other than the uses by right in this zone district which comply with the performance standards of Chapter 11-11-4 and are consistent with Sec. 11-7-5(D)(1).								C	
Farm implement sales or service establishments					P	P			
Fueling stations or other retail uses having fuel pumps which comply with the following criteria: (a) All fuel storage, except propane, shall be located underground. (b) All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.			P	P	P	P	C		
Funeral homes			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facilities, self-service				P	P	P	P		
Mobile and travel home sales or service establishments					P	P			
Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.	P								
Offices not allowed as a use by right.	C								

Travel home parks and campgrounds (See Sec. 11-13)				C	C	C			
Rental businesses					P	P			
Restaurants			P	P	P	P	P		P
Restaurants, drive-in or drive-through			C	C	C	C	C		
Retail sales and services establishments which cater to the general shopping public	C								
Retail stores, business and professional offices, and service establishments which cater to the general shopping public.			P	P	P	P	P		P
Retail stores, business and service establishments serving the general public but which also involve limited manufacturing of the products supplied				C	C	C			
Sexually oriented business (See Sec. 11-12-1)									P
Short-term rentals	P		P	P	P	P	P	P	P
Taverns			P	P	P	P	C		
Theaters			P	P	P	P			
Veterinary clinics or hospitals for small animals				P	P	P			
Veterinary clinics or hospitals for large animals					P	P			
INDUSTRIAL USES									
Above ground storage facilities for hazardous fuels						P			P
Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.								P	P
Construction and contractor's office and equipment storage facilities						P			P

Feed storage and sales establishments						P			P
Manufacturing and non-manufacturing uses including: food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities. (See Sec. 11-11-4)					C	C		P	P
Other industrial uses									P
Storage facilities, indoor			C	P	P	P	C		P
Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operations			C	C	C	C		P	P
<i>INSTITUTIONAL USES</i>									
Airport								P	P
Assisted living facilities	C			P	P	P			
Childcare facilities	P	C	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, "daytime" shall mean from 6:00 a.m.			P	P	P	P			

to 6:00 p.m. Mountain Standard Time. "Night" shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.									
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospitals	P								
Libraries		P	P	P	P	P			
Museums and visitor centers		P	P	P	P	P			
Parking facilities	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P			
Religious assembly	P	P	P	P	P	P	P		
Schools	C	P	C	C	C	C	C		
RECREATIONAL USES									
Golf courses		C							
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P
Private recreation facilities		P							
RESIDENTIAL USES									
Duplex	P		P	P	P	P	P	P	P
Group homes—handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P		P	P	P	P	P	P	P
Group homes—handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group homes, other (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Multifamily dwelling	C	C	P	P	P	P	P	P	P
Single-family dwelling	P	C	P	P	P	P	P	P	P
Supportive housing	C					C		C	
UTILITIES AND TELECOMMUNICATION FACILITIES									
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C

Public utility service facilities	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
OTHER USES									
Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E)(1—3))	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6(2))	T		T	T	T	T	T	T	T
Legend: Zoning District				Legend: Use Type					
OR: Office-Residential				P: Permitted Use					
P: Public				C: Conditional Use					
B-1: Central Business				A: Accessory Use					
B-2: Highway Commercial				T: Temporary Use					
B-2A: Regional Commercial									
B-3: General Commercial				Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).					
B-4: Neighborhood Shopping									
I-1: Light Industrial									
I-2: General Industrial									

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

