

Members: Beth Lenz Brandon Angel Kirk Nelson

Florence Municipal Center
600 W.3<sup>rd</sup> Street, Florence, Colorado 81226.
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# CITY OF FLORENCE PLANNING COMMISSION MEETING FLORENCE MUNICIPAL CENTER, CITY HALL CHAMBERS Thursday, January 18, 2024at 5:30 p.m.

#### **AGENDA**

- I. Call to Order
- II. Roll Call
- III. Approval of the Minutes from the December 21, 2023 Meeting
- **IV.** Old Business:
  - a. Willow Creek Estates Subdivision Preliminary Plat of Willow Creek Estates Filing No. 2 - Staff Update
  - b. Continued RZ 23-002 Justin Shae / Florence Inn
     Requesting to rezone property from C General Commercial to
     R-3 High Density Residential located at 4560 State Highway 67.
- V. New Business:
  - a. Chapter 17.24.040 R-2 Yard and Bulk requirements Discussion
- VI. Next Meeting Date and Time: February 15, 2024
- VII. Upcoming Agenda Items:
- VIII. Adjourn



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# FLORENCE PLANNING COMMISSION MEETING MINUTES THURSDAY, DECEMBER 21, 2023

5:30 P.M.

Commissioners	Present	Absent
Chair Beth Lenz	X	
Planning Commissioner Brandon Angel	Х	
Planning Commissioner Kirk Nelson	X	
Vacant		
Vacant		
City Council Representative Mergelman	Х	

Staff Present	Present	Absent
Planning Director Fox	Х	
City Manager Nasta	Х	

#### I. Call to Order

Chair Lenz calls the meeting to order at 5:30 p.m.

#### II. Roll Call

All Commissioners present.

Council Representative Mergelman present.

#### III. Approval of the Minutes from the November 16, 2023 Meeting

Commissioner Angel makes a motion to approve the meeting minutes from November 16, 2023.

Seconded by Commissioner Nelson.

Roll Call: 3 Ayes The motion carries.

#### IV. Old Business:

- a) Willow Creek Estates Subdivision Preliminary Plat of Willow Creek Estates Filing No. 2 Staff Update
  - Planning Department is still waiting on a valid CDOT access permit with Notice to Proceed that acknowledges additional lots. Water system analysis and water tap are still under consideration by Jacobs Engineering. Address plat was been received; one question about the plat was email to the surveyor but no response back. All notes have been added to the Preliminary Plat. Union Ditch shares are still under consideration.



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#### V. New Business

- Public Hearing RZ 23-002 Justin Shae / Florence Inn Requesting to rezone property from C – General Commercial to R-3 High Density Residential located at 4540 State Highway 67.
  - Justin Shae 288 Pyrite Terrace, Colorado Springs states he is trying to provide affordable housing for people 55 or older, veterans and disabled.
  - Chair Lenz inquires about the rent per month.
  - Mr. Shae states \$700 to \$800.
  - Commissioner Nelson inquires where Mr. Shae has created affordable living previously.
  - Mr. Shae states in Craig, Colorado.
  - Chair Lenz inquires about the comments from the police department not having access to the building.
  - Mr. Shae, the police department does have access and there might be a communication issue.
  - Chair Lenz inquires about the letter from the fire department dated December 1 and one of this points in the letter is the fire detection system is not a monitored system.
  - Mr. Shae, the system has not been functional for a long time; he is working with a local contractor to have the entire panel of the system replaced.
  - Chair Lenz inquires about the required water needed for the fire suppression system.
  - Mr. Shae, an additional fire line will need to be installed and connected to the water main.
  - Planning Director, the current water line used for the fire suppression system is connected to
    domestic water; the applicant will be required to install a 4" water tap and water line from the
    main water line at the highway to the building for the fire suppression system.
  - Commissioner Angel inquires about the fire extinguishers in the kitchen.
  - Mr. Shae, the extinguishers have been installed.
  - City Council Representative Mergelman inquires about the CDOT access permit.
  - Mr. Shae, CDOT would like an analysis of the traffic in order to document the change in use and update traffic information.
  - Chair Lenz opens the public hearing.
  - No comments or questions.
  - Chair Lenz closes the public hearing.
  - Mr. Shae expresses concern about getting the fire line installed at this time due to weather and cost.
  - City Council Representative Mergelman expresses concern about the residents.
  - Chair Lenz inquires about a time line for the fire line.
  - Mr. Shae, probably June.
  - Commissioner Angel expresses concern that the fire department needs to supply an updated letter addressing the fire water line.

Commissioner Angel makes motion to table RZ 23-002 to the next Planning Commission meeting January 18, 2024.

Seconded by Commissioner Nelson



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Roll Call: 3 Ayes The motion carries.

The meeting adjourned at 5:58 p.m.		
Ву:	Date:	
Planning Commission Chair	18 <del>:</del>	

#### FLORENCE PLANNING COMMISSION

MEETING DATE: JANUARY 18, 2024

STAFF REPORT

**Agenda Item:** Continued - Rezone 23-002 - Justin Shea / Florence Inn

Request to rezone property from C – General Commercial to R-3 - High Density

Residential.

**Department:** Planning

#### **Background / Description of Item:**

Rezone request is for property located at 4540 State Highway 67 and legally known as Lot 2, Homestead Hills Filing No. 1. The current structure, built in the early 1990s, was originally a Super 8 Motel, which did serve the community for a number of years. The applicant, Justin Shae, who is currently under an owner finance agreement with the property owner, CO Motel 9 Inc., is requesting the zone change to provide affordable housing.

#### **Staff Comments:**

- The adjacent properties along State Highway 67 are zoned Planned Unit Development. The properties across State Highway 67 are zoned Commercial and R-1 Low-Density. Properties to the south and east are zoned for residential development.
- Per Municipal Code R-3 High Density Residential is comprised of residential areas primarily intended for residential development containing five (5) or more units per structure.
- Apartments and boarding rooms are permitted uses in R-3 High Density Residential.
- The Florence Inn does have an on-site manager, 44 boarding rooms/apartments, one laundry area, a communal kitchen and dining area.
- The Future Land Use Map in the City's current Master Plan shows the subject property is in the MU HC Mixed Use Highway Commercial area "This designation is intended to allow flexibility of commercial development along main highways as market forces change land uses. Existing residential single-family homes are located in these areas and may remain however; the City is open to redevelopment plans for commercial uses along busy corridors and especially of blighted and underutilized properties is encouraged."

However, the properties that surround the Florence Inn are in the MU-T – Mixed-Use Transitional area – "This is a broad category for areas that are in transition over the next 5 to 10 years and located in areas that could develop in a couple of different ways depending on the market in Florence. This designation is intended to allow the greatest flexibility for change and may accommodate some multi-family development or commercial development or well-designed mixture of uses."

#### **Attachments included:**

- Application
- Overview Map
- Current Zoning Map
- Future Land Use Map and Definitions

<u>Florence Municipal Code 17.76.100</u> – Rezoning policy and condition: The property may be rezoned only if one of the following criteria is true:

- 1. that the property was not properly zoned when existing zoning was imposed, or
- 2. that as presently zoned, is inconsistent with the policies and goals of the City's comprehensive plan, or
- 3. that there has been a material change in the neighborhood which justifies the requested zone change, or
- 4. that the proposed rezoning is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the City's comprehensive plan, and that such rezoning will be consistent with the policies and goals of the comprehensive plan.

#### Suggested Motions:



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#### REQUIRED ATTACHMENTS

- Deed of record for the subject property
   A site plan (11" X 17") containing the following:
- a. Title scale and north arrow. (Name) (Zone Change Request from \_\_\_\_\_ Zone District (existing) to \_\_\_\_\_ Zone District (proposed),
  - b. A vicinity map to locate the development in relation to surrounding area, streets, etc.,
  - Location and size of all existing and proposed buildings and structures on the property to be rezoned.
  - d. Location and size of all parking areas and spaces and all off-street loading areas on or adjacent to the property.
  - Location and size of access from a public right-of-way,
  - Location and size of all drainage ways or other natural features which would affect or would have an effect on property to be zoned,
  - g. Zoning classification for all adjoining lots, parcels, or tracts,
  - h. Such other additional information required by the City Manager;
- 3. A statement of justification for the rezoning including at least one of the following conditions:
  - Evidence that the property was not properly zoned when existing zoning was imposed.
  - b. Evidence that the proposed rezoning is necessary in order to provide land for a community-related use which was not anticipated at the time of the adoption of the City's comprehensive plan, and that such rezoning will be consistent with the policies and goals of the comprehensive plan,
  - c. Provide evidence that there has been a material change in the neighborhood which justifies the requested zone change.
  - d. Provide evidence that the proposed zone change will be in conformance to the comprehensive plan for the area;
- 4. Statements/evidence for the following:
  - a. Provide evidence that there is a public need and that it will tend to preserve and promote property values in the neighborhood;
  - b. Provide a time schedule for any contemplated new construction or uses;
  - c. Explain what effect the proposed rezoning will have on existing traffic. If no change is expected please explain;
  - d. Explain what effect the proposed rezoning would have on adjacent uses, if any.

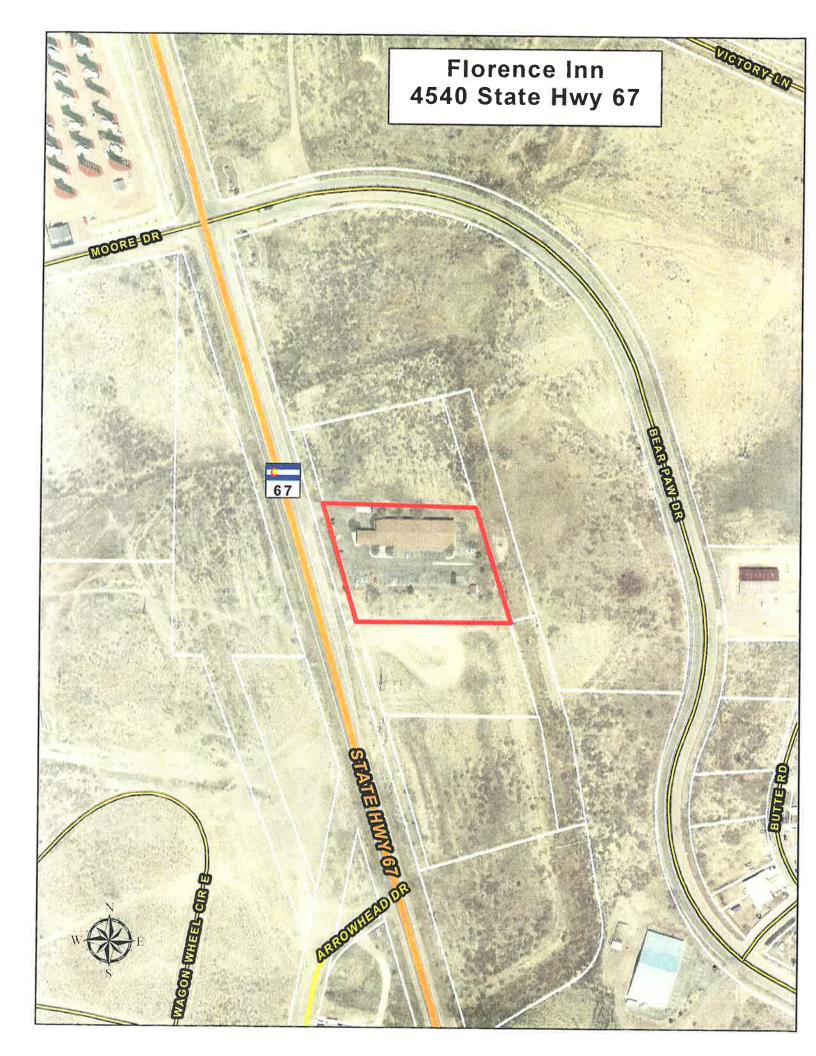
#### Statements/evidence for the following:

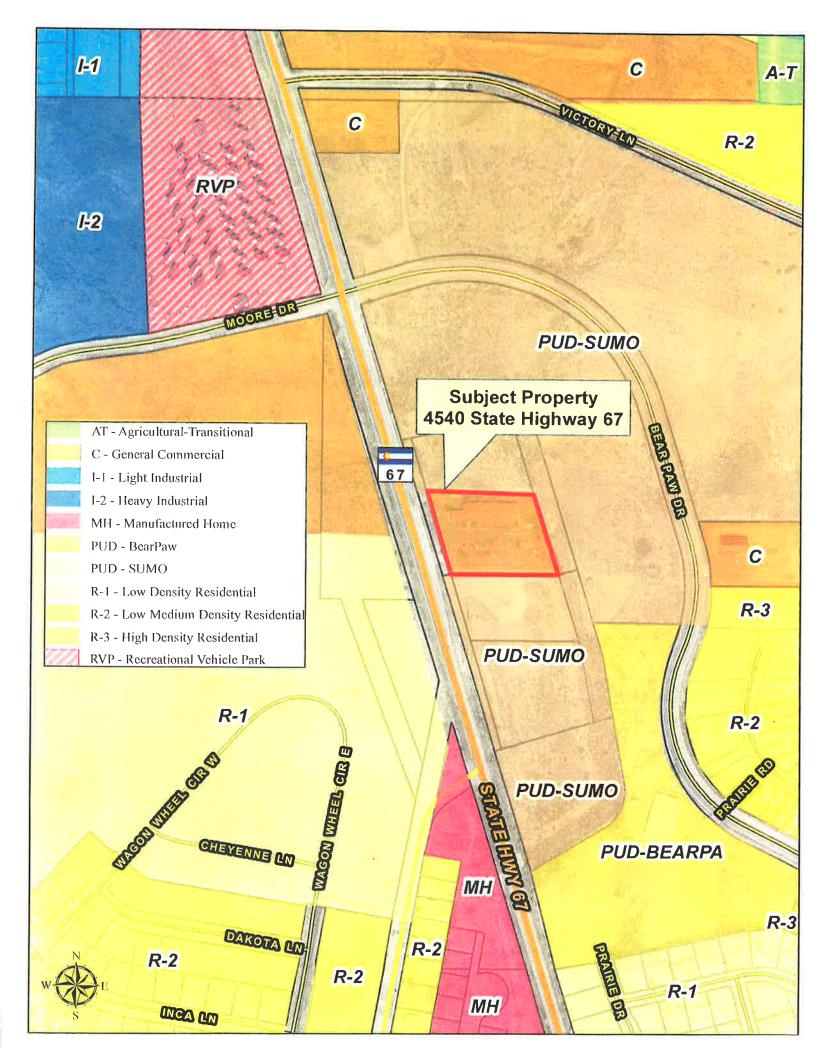
- A. Provide evidence that there is a public need and that it will tend to preserve and promote property values in the neighborhood;
  - The public is in need of a of having 55+ affordable living community because I have a waiting list and filled the building within 2 months and have maintained the occupancy. I am the lowest housing opportunity in town for 55+ to have their own place to live. It will promote property values because it is being maintained better than before and it wont be abandoned. The building was operating as a hotel and taking major losses doing so. It was going to close if there was not another use figured out for it.
- B. Provide a time schedule for any contemplated new construction or uses;
  - I have already renovated the inside of the hotel.
- C. Explain what effect the proposed rezoning will have on existing traffic. If no change is expected please explain;
  - Because it is a highway it should not cause any type of noticeable difference in traffic. The existing hotel is completely rented out so that building will not increase the traffic that is already there.
- D. Explain what effect the proposed rezoning would have on adjacent uses, if any.
  - It should not have any effect to adjacent properties as there are no structures near the proposed property.

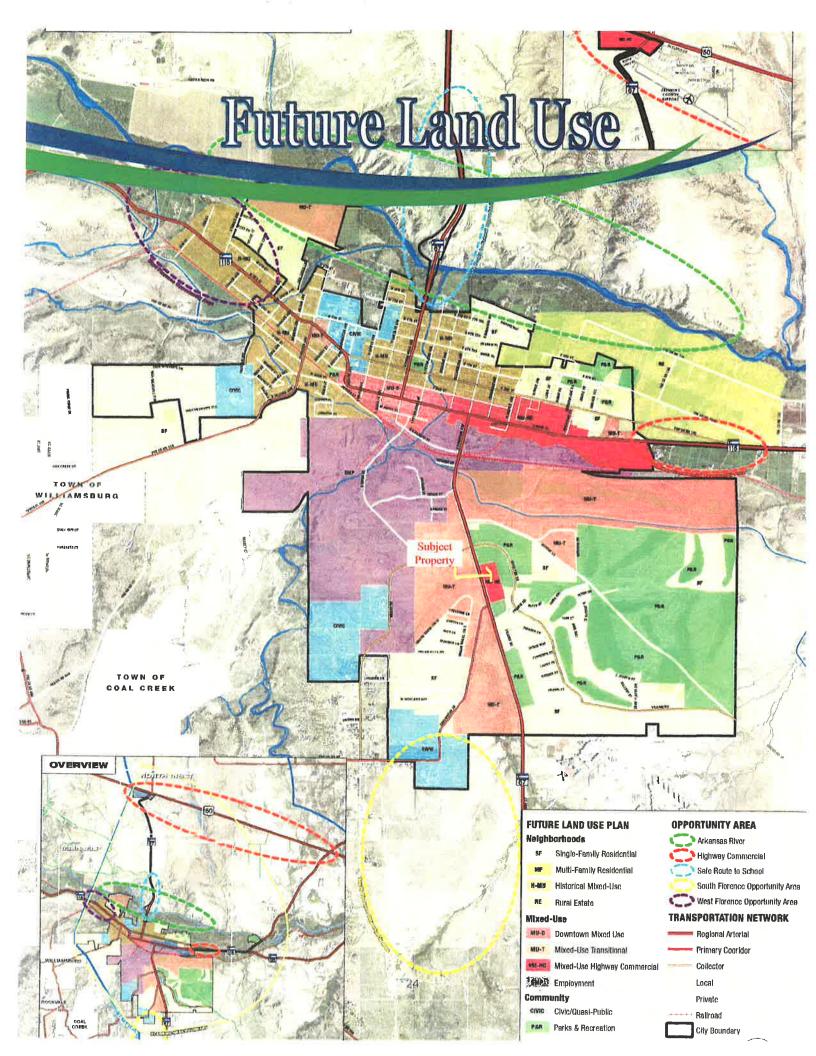
Hello to Whom it may concern.

My name is David Kang, owner of CO Motel 9 Inc. I am currently owner financing Justin Shea to run the building at 4540 State Highway 67. I am aware that Justin Shea is changing it to multifamily zoning.

David Kang







#### **Land Use Designations**

#### (H-MU) Historic Mixed Use

These are established generally constructed before World War two for a non-motorized way of life. These mature neighborhoods have a wide range of historic housing with some new infill and scattered example of duplexes and four-plexes and even historic mixed-use along collector streets and highways. This designation allows for case-by-case examples of neighborhood commercial and office as well as live/work units on busier streets and main intersections. Future use of this historic core area of Florence should focus on residential development with a degree more flexibility for case-by-case infusions of other uses with properly mitigated impacts.

#### (SF) Single Family Residential

These are generally single-use automotive age development with single-family housing developments. The intent of this district is to provide stable locations for single family living as well as case-by-case examples of low level multifamily housing or special uses such as churches where appropriate.

#### (MF) Multi-Family Residential

These areas are intended for larger multifamily developments that can provide relief to the current housing crisis in Florence. These areas are generally in transitional sections of town and developments should be sited to buffer other uses and contain a quality of product that will be an asset to Florence for years to come.

#### (RE) Rural Estate

These areas are characterized by larger lot developments with low level agricultural activities or horse properties. These are the predominate type of land outside City Boundaries and there are limited areas within the City. These areas will mainly be single-family residential in use.

#### (E) Employment Centers

These are areas designated for low to mid-range industrial and commercial uses that have low to moderate external impact on the surrounding community. These areas tend to have larger lot sizes and be located some distance from residential uses. A variety of buffer uses may be allowed to screen these uses from residential such as mini storage and other uses.

#### (MU-D) Downtown Mixed Use

This area is designated for the retention of the existing, established historical commercial downtown of Florence that was developed from the 1890s to the 1930s. These areas

are primarily pedestrian-orientated and support a number of retail. office, food services, community organizations, and limited hospitality uses as well as entertainment venues. The designation seeks to preserve the wide range of uses that support the city and the unique historic character of downtown Florence. Residential is encourages in second story and rear of buildings as long as storefronts are maintained for commercial purposes. Although the designated areas mainly support the established historic building stock, new compatible buildings and uses are encouraged adjacent to downtown and as infill on non-contributing buildings and vacant lots through some level of municipal design review. Unlike many downtown districts, some limited low level industrial and employment uses are encouraged that are compatible with the existing downtown.

#### (MU-T) Mixed Use Transitional

This is a broad category for areas that are in transition over the next 5 to 10 years and located in areas that could develop in a couple of different ways depending on the market in Florence. This designation is intended to allow the greatest flexibility for change and may accommodate some multifamily development or commercial development or welldesigned mixture of uses.

#### (MU-HC) Mixed Use Highway Commercial

The designation is intended to allow flexibility of commercial development along main highways as market forces change land uses. Existing residential single family homes are located in these areas and may remain however; the City is open to redevelopment plans for commercial uses along busy corridors and especially of blighted and underutilized properties is encouraged.

#### (Civic) Civic Quasi-Public

This designation is for schools, governmental facilities, and other quasi-public organizations as well as land adjacent that could transition to expansions of these uses in the future.

#### (P & R) Parks and Recreation

This category is designed for land utilized as City parks or recreation facilities.

#### Opportunity Areas

These areas represent opportunities to welcome visitors to Florence, provide strong connections to downtown, catalyst opportunities for recreation, education, tourism and represent growth opportunities through annexation. All areas offer joint planning opportunities to collaborate with the County and other agencies to coordinate matters of mutual, regional interest.

#### 17.08.015 Definitions.

As used in this chapter:

"Abutting or adjacent" means contiguous to and sharing a common boundary without being separated by a street, alley, or other public property.

"Accessory structure or use" means a structure or use incidental or subordinate to the main use of the property, including a home occupation which is located on the same lot or contiguous lot in the same ownership with the main use.

"Adult use" means a "sexually oriented business" as defined in this chapter.

"Airport" means a place on land or water where aircraft land to discharge or receive cargo and passengers, make repairs or take on fuel.

"Alley" means a minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

"Altered" means any alteration to a building or structure which will change any one (1) or more of the external dimensions of such building or structure, or to make any change in the supporting members to the type of construction of the exterior wall or roof thereof. When used in reference to use, it shall mean to discontinue and replace the existing use with a use which is defined in this chapter as being distinct from the discontinued use.

"Animal clinic" means any veterinary office in which veterinary medicine is practiced by or under the direct supervision of a Colorado licensed veterinarian, and does not include overnight boarding of animals.

Animal Hospital. See "Veterinary hospital."

"Apartment" means a part of a building consisting of a room or suite of rooms intended, designed or used as a residence by an individual or single-family and located in a multiple-family dwelling or other structure meeting the requirements of this title.

"Applicant" means the owner or duly designated representative of land for which a special review, amendment, variance, planned unit development, building permit or certificate of occupancy has been requested.

"Attached building" means a building which is connected to another building by a roof which exceeds six (6) feet between opposite open ends.

Auto Storage Yard. See "Vehicle storage yard."

"Automobile parking garage" means a structure used for parking or storage of cars or light trucks (one and one-half (1%) tons or less), and open to the general public, customers or employees. All vehicles must be licensed and in legal operating condition.

"Automobile parking lot" means a portion of one (1) or more contiguous parcels used for parking or storage of cars or light trucks (one and one-half (1%) tons or less), and open to the general public, customers or employees. All vehicles must be in legal operating condition.

"Backyard poultry" means the keeping or sheltering of female chickens and ducks.

Bank, Drive-In. "Drive-in bank" means a financial institution, including structures designed to contain an automatic teller machine, designed to provide financial services to patrons.

"Bed and breakfast home" means an owner occupied and operated, single-family residence where no more than three (3) guest bedrooms are rented to the general public on a nightly basis and where a breakfast meal is provided only to registered guests. (See Section 17.64.030, Bed and breakfast performance standards.)

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"Boardinghouse/roominghouse" means a building other than a hotel, motel, bed and breakfast or restaurant where, for compensation, lodging and meals are provided for boarders and roomers, usually for an extended period of time. One (1) on-site parking space shall be provided for each lodging room, plus one (1) space for each employee. (See Chapter 17.68, Off-Street Parking and Loading for additional requirements.)

"Building" means a roofed structure with any portion more than thirty (30) inches above original ground surface built for the shelter of persons, animals, property or substances of any kind, excluding fences.

"Building area" means that portion of the lot that can be occupied by the principal use, excluding the front, rear and side yards.

"Building coverage" means any area or portion of a lot which is covered by all buildings on that lot.

"Building height" means the vertical distance above a reference datum measured to the highest point of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- 1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade;
- 2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in subsection 1 of this definition is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

"Bulk regulations" mean regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling:

- 1. Maximum height;
- 2. Maximum lot coverage;
- 3. Minimum yard size and setback.

"Bush" means a shrub or low woody plant with branches near the ground level.

"Business support/sales/rental service shops" mean a business such as a bank, credit union, mortgage lender, insurance provider, stock brokerage, answering service, provider of temporary employees, office equipment rental or repair enterprise, copy shop, or similar business that provides support to other businesses.

"Car wash" means a site where motor vehicles trucks and other vehicles and trailers are washed on a fee paid basis by self-serve or on-site employees.

"Cemetery" means land used for the interment of dead humans or animals, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and located on the same premises as the cemetery.

"Child care center" means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) or more children under the age of sixteen (16) years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and centers for developmentally disabled children and those facilities which give twenty-four (24) hour care for dependent and neglected children and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system or at least six (6) grades or to any preschool established pursuant to the provisions of Article 28 of Title 22, CRS, which is maintained in connection with a public school systems of at least six (6) grades

#### FLORENCE PLANNING COMMISSION

MEETING DATE:

**JANUARY 18, 2024** 

STAFF REPORT

Agenda Item:

17.24.040 R-2 Low/Medium Residential - Yard and Bulk Requirements -

Discussion

**Department:** 

Planning

#### **Background / Description of Item:**

• Ordinance No. 03-06-2017A changed and approved the minimum lot area of a parcel from 7,000 to 5,000 square feet along with the required width of a parcel.

#### **Staff Comments:**

• Discussion on the requirement of the 'minimum lot area per principal structure'

#### **Attachments included:**

- Ordinance No. 03-06-2017A
- 17.24.040 Yard / Bulk Requirements for R-2

### CITY OF FLORENCE, COLORADO

#### **ORDINANCE NO. 03-06-2017A**

AN ORDINANCE AMENDING SECTION 17.24.040 OF THE FLORENCE MUNICIPAL CODE TO CHANGE THE MINIMUM LOT SIZE FROM 7,000 SQUARE FOOT TO 5,000 SQUARE FEET AND THE MINIMUM LOT WIDTH FROM 70 FEET TO 50 FEET IN THE LOW MEDIUM DENSITY RESIDENTIAL (R-2) ZONING DISTRICT

WHEREAS, the City Council of the City of Florence, Colorado, pursuant to Colorado statute and the Florence Municipal Code, is vested with the authority of administering the affairs of the City of Florence, Colorado to preserve the health, safety, and welfare; and

WHEREAS, the City of Florence and the City Council wish to encourage the development of land within the City in order to provide adequate housing for its residents, and;

WHEREAS, at the Planning Commission meeting on February 23, 2017, the Planning Commission recommended the minimum lot area of the Low Medium Density Residential R-2 Zoning District be reduced from 7,000 square feet to 5,000 square feet and the minimum lot width be reduced from 70 feet to 50 feet.

# NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, COLORADO AS FOLLOWS:

- 1. Section 17.24.040 is hereby amended by reducing the minimum lot area from 7,000 square feet to 5,000 square feet and by reducing the minimum lot width from 70 feet to 50 feet.
- 2. All other provisions of Section 17.24.040 remain unchanged and in full force and effect.
- 3. 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 City Council 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.

4. 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 AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FLORENCE ON THIS 6TH DAY OF MARCH, 2017.

ATTEST:	CITY OF FLORENCE, COLORADO
(	

ena Lozano, City Clerk Keith Ore, Mayor

PASSED AND ADOPTED MARCH, 2017.	ON A SECOND READING THIS 20TH DAY OF
ATTEST:	CITY OF FLORENCE, COLORADO
Dena Lozano, City Clerk	BY: Mayor

A Vac

#### 17.24.040 Yard and bulk requirements.

Yard and bulk requirements in the R-2 district are as follows:

Minimum lot area	5,000 square feet (changed in 2017 from 7,000)	
Minimum lot area per principal structure	1 unit — 7,000 square feet (suggested - 5,000)	
	2 unit — 9,000 square feet (suggested - 7,000)	
	3 unit — 11,000 square feet (suggested - 9,000)	
	4 unit — 13,000 square feet (suggested - 11,000)	
Minimum lot width	50 feet	
Maximum lot coverage	50% if lot is less than 4,000 square feet; 40% if lot is	
	more than 4,000 square feet	
Minimum front yard setback	All structures: 25 feet	
Minimum side yard setback — From a street	All structures: 15 feet	
Minimum side yard setback — From an interior lot line	5 feet	
Minimum rear yard setback	Principal structure: 25 feet	
	Accessory structure: 10 feet	
	Patio cover structure open on at least 2 sides and	
	attached to the principal structure: 12 feet	
Maximum height	Principal structure up to 3 stories: 45 feet	
	More than 3 stories: 65 feet	
	Accessory structure: 20 feet	

(Ord. 3-96 (part), 1996; Ord. No. 2-2012, § 2, 2-21-2012; Ord. No. 03-06-2017A, § 1, 3-20-2017; Ord. No. 10-1-2018A, § 2, 10-15-2018)