



BOARD OF TRUSTEES
STAFF REPORT & REQUEST FOR BOARD ACTION

Date Prepared: November 8, 2023
Meeting Date: November 15, 2023

RE: Rezone RMU Overlay Properties to RW

To: Town of Fraser Board of Trustees

From: Garrett Scott, Town Planner

Project Number: TF-23-14

Project Address: Multiple properties currently zoned Business with RMU Overlay

Applicant: Town of Fraser

Property Owner: Multiple Property Owners

CC: Michael Brack, Town Manager

MATTER BEFORE THE BOARD OF TRUSTEES

Rezoning of all properties currently zoned Business with Riverwalk Mixed Use (RMU) overlay to the Riverwalk (RW) zone.

BACKGROUND & REQUEST

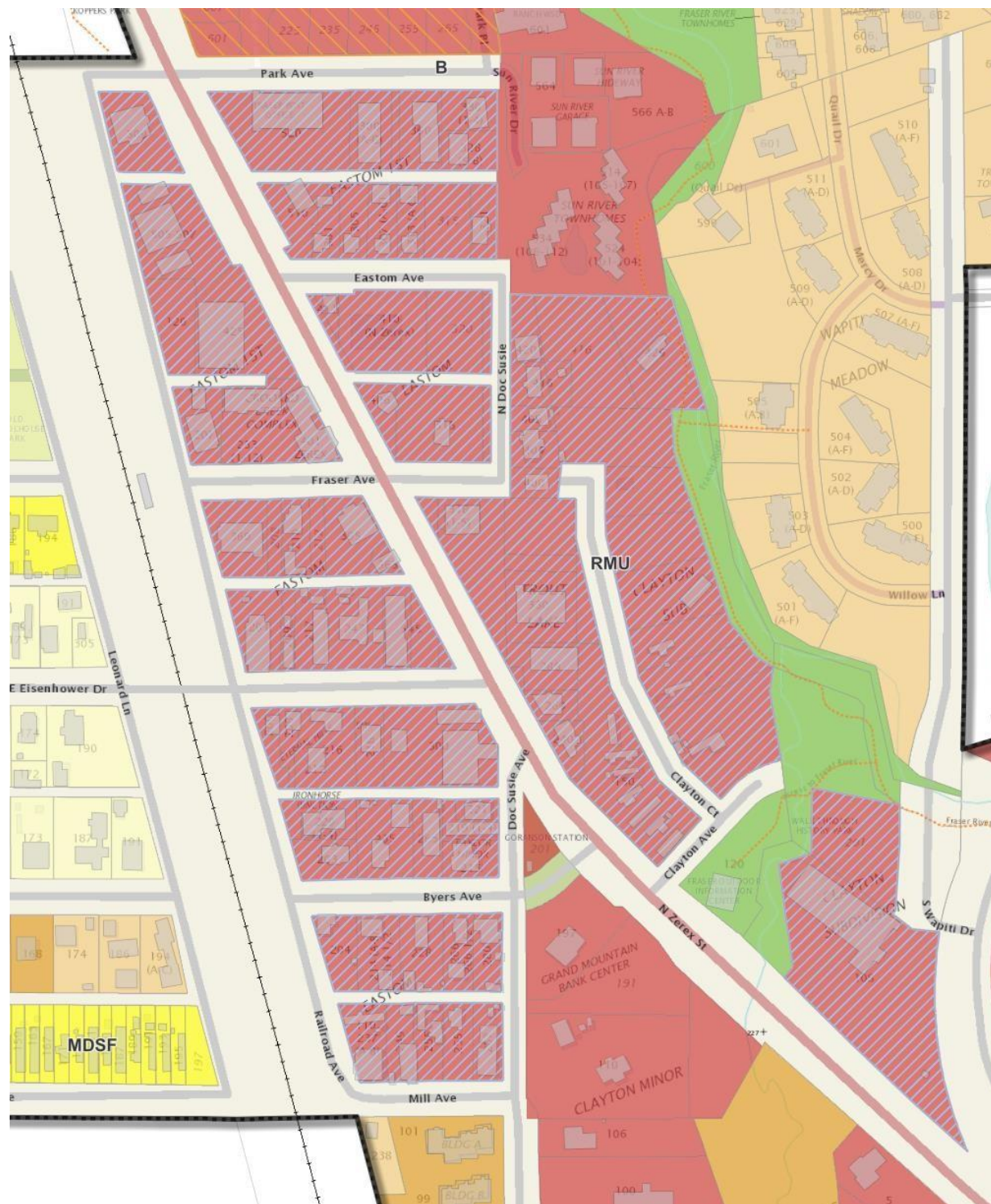
On September 20, 2023, the Board of Trustees approved Ordinance No. 501, which amended the Fraser Land Development Code (LDC) to remove the Riverwalk Mixed Use (RMU) Overlay district and add the Riverwalk (RW) district. The current request is the second and final step to fully implement the code amendment by rezoning all properties within the RMU overlay district to the new RW standard zone district. The rezoning is being proposed through the adoption of a revised Official Zoning District Map. The revisions to the map consist of removing the RMU Overlay, adding RW with a distinct color, and modifying the affected properties.

Section 19-2-170 (e) of the LDC establishes the procedure for legislative rezoning as follows:

- (e) The Board of Trustees may, upon the request of the Planning Commission, Town Staff or on its own motion, initiate a procedure for rezoning a significant area of the Town, consisting of not less than six (6) more individual ownership parcels and not less than five (5) total acres. This rezoning is a legislative, not a quasi-judicial act, and may be accomplished by ordinance without notice to individual landowners. The procedure for legislative rezoning shall be as follows:
 - (1) Requests for legislative rezoning initiated by the Board of Trustees, Planning Commission or Town Staff will be prepared as a draft ordinance by the Town Attorney and Town Staff and shall be reviewed and considered by the Planning Commission and presented to the Board of Trustees in a public hearing. In this instance, the Town shall be considered to be the applicant.
 - (2) After conducting its review on the request, the Planning Commission shall transmit its recommendations to the Board of Trustees.
 - (3) Notice of the public hearing before the Board of Trustees shall be given by publication of the request and descriptive material identifying the area proposed to be rezoned, the present zoning, and the proposed zoning. The notice shall be published in a newspaper of general circulation in the Town and by posting at the Town offices. Separate notice to individual property owners is not required, but may be given in the sole discretion of the Town. The Town's choosing not to give such individual notice shall not be a basis for challenge of the legislative rezoning.
 - (4) The Board of Trustees shall consider the public testimony, the recommendations of the Comprehensive Plan, and the interests of the Town in general when considering a legislative rezoning.



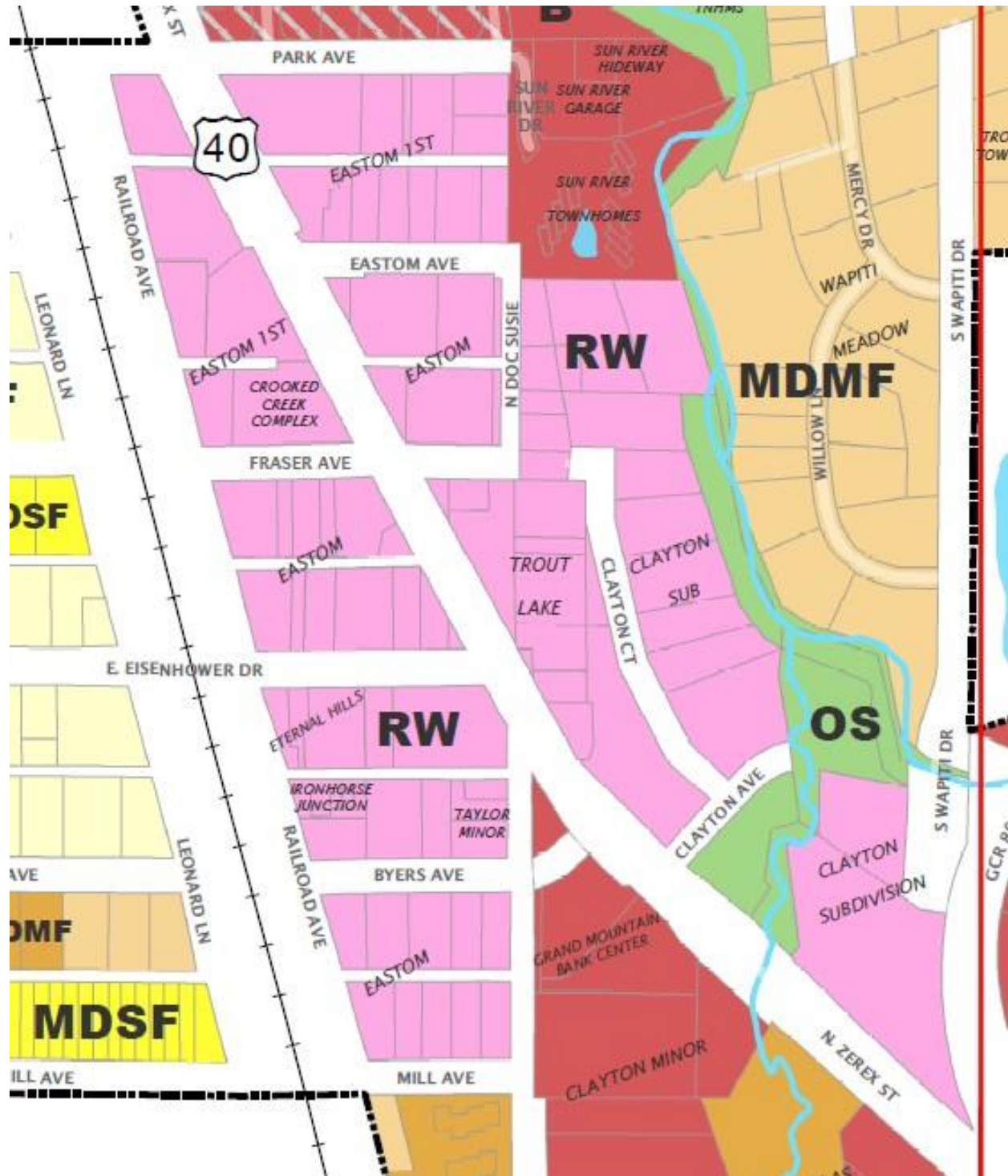
CURRENT ZONING MAP



All properties with the blue hatched line are currently zoned Business (B) and are within the Riverwalk Mixed Use (RMU) Overlay District



REVISED ZONING MAP





PLANNING COMMISSION REVIEW AND RECOMMENDATION

On October 25, 2023, the Fraser Planning Commission unanimously approved Resolution 2023-10-01 recommending the Fraser Board of Trustees approve the rezoning of properties currently zoned Business with Riverwalk Mixed Use (RMU) overlay to the Riverwalk (RW) zone.

PUBLIC NOTICE

Section 19-2-170 (e) of the LDC establishes requirements for public notice for a legislative rezoning of a significant area of Town. Notice of the public hearing before the Board of Trustees was published in the Middle Park Times on November 2, 2023. Proof of publication has been provided in the meeting packet.

REZONING EVALUATION CRITERIA

| Sec. 19-2-170 – Rezoning | Finding | Rationale |
|---|---------|---|
| 1) The compatibility of the rezoning proposal with the surrounding zone districts and land uses in the vicinity of the site of the rezoning including the characteristics of the existing neighborhood, the applicable area and bulk requirements, and the suitability of the site for development in terms of on-site characteristics; | Yes | The proposed RW district is substantially similar to the prior RMU overlay district, and therefore remains compatible with surrounding zone districts and land uses. |
| 2) That the land proposed for rezoning, or adjacent land, has changed or is changing to a degree such that it is in the public interest and consistent with the intent, purpose and provisions of this Chapter to encourage different densities or uses within the land in question; | No | There is not a change in the area and the intent of the proposed rezoning is not to encourage different densities or uses in comparison to the prior district. |
| 3) That the proposed rezoning is needed to provide land for a demonstrated community need or service and such rezoning will be consistent with the goals, objectives and policies contained within the Comprehensive Plan; | Yes | The proposed rezoning maintains land for a demonstrated community need for mixed use development; and is consistent with the goals, objective and policies contained within the Comprehensive Plan and Downtown Strategic Plan. |
| 4) That the existing zoning classification currently recorded on the Official Zoning Map is in error; | N/A | The current zoning classification on the Official Zoning Map is not in error. |
| 5) That the proposed rezoning is in conformance, or will bring the property into conformance, with the Comprehensive Plan goals, objectives and policies, and other related policies or plans for the area; | Yes | The proposed rezoning conforms with the Comprehensive Plan and Downtown Strategic Plan. |

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| Sec. 19-2-170 – Rezoning | Finding | Rationale |
|---|---------|--|
| 6) That adequate infrastructure/facilities are available to serve the type of uses allowed by the change of zoning, or that the applicant will upgrade and provide such where non-existent or under capacity; and | Yes | Existing infrastructure/facilities are either available currently or will be constructed or upgraded as required by the development process in conformance with regulations. |
| 7) The impacts of the rezoning upon expected traffic generation and road safety, availability of on-site and off-site parking and the availability of adequate utility services and street access to the site. | N/A | The rezoning by itself does not create impacts. Any impacts created by future development will need to be mitigated by those developers in conformance with regulations. |

Additionally, the Board of Trustees shall consider the public testimony, the recommendations of the Comprehensive Plan, and the interests of the Town in general when considering a legislative rezoning.

SUMMARY

The Town has prepared a complete application for a legislative rezoning of a significant area of the Town. The application is in compliance with the Fraser LDC.

REQUEST: Town-initiated request to rezone a significant area of the Town through the adoption of a revised Official Zoning District Map.

RECOMMENDATION: Staff recommends that the Board of Trustees APPROVE the proposed rezoning through the adoption of a revised Official Zoning District Map.

Attachments:

- 01 Proposed Ordinance
- 02 PC Resolution 2023-10-01
- 03 Draft Revised Official Zoning District Map
- 04 Proof of Publication