

# City of Leadville Planning & Zoning Commission Regular Meeting Agenda

Date: 12/13/23 Time: 6:00pm

(Held in person & via Zoom)

Join Zoom Meeting

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| <p><b>1. Governance Items:</b></p> <ul style="list-style-type: none"><li>• <b>Call to Order and Roll Call</b></li><li>• <b>Approval of Agenda/Revisions</b></li><li>• <b>Approval of minutes:</b></li></ul>  | <p>Motion of approval of agenda and minutes</p> | <p>Chair, Staff</p>                     |
| <p><b>2. Public comment- Items not on Agenda:</b></p>  |   |   |
| <p><b>3. General Updates:</b></p> <ul style="list-style-type: none"><li>• Gateway (Lake County)</li><li>• Leadville 7 Annexation</li><li>• Railyard Phase 1 &amp; 2 SIA enforcement</li><li>• New City Attorney meeting update</li><li>• DOLA Planning Capacity Grant</li></ul>  |   | <p>Chair, Staff</p>                     |
| <p><b>4. New Business:</b></p> <ul style="list-style-type: none"><li>• *Public Hearing on 821 Harrison Ave. Rezoning Request</li></ul>   | <p>*Items for formal vote</p>                   | <p>Chair, Staff, Commission Members</p> |
| <p><b>5. Goal Setting 2023-</b></p> <ol style="list-style-type: none"><li><del>1. Title 17 – Zoning: Definitions, Uses amendments</del></li><li><del>2. STRs – Recommendations to City Council on numerical limit for STR licenses</del></li><li>3. Title 17 – Zoning: Housing Variety amendments</li><li>4. P&amp;Z By-laws and Commissioner terms</li><li>5. Commissioner legal training</li><li>6. Housing (Ex: Pre-approved plans)</li><li>7. Parking District/commercial fee-in-lieu program</li><li>8. 2025 Comprehensive Plan</li><li>9. R-1 Zone assessment</li><li>10. Residential permit parking program</li><li>11. Exterior lighting regulations</li><li>12. Commercial FAR</li><li>13. Annexation Agreement chapter</li><li>14. Development Agreement chapter</li></ol> |   | <p>Chair, Staff, Commission Members</p> |
| <p><b>6. Adjourn</b></p> <p>Next meeting – 1/10/24 (12/27/23 meeting cancelled due to Christmas Day / New Year’s Day holidays)</p>   |   |   |



### Planning and Zoning Commission Staff Report

**Subject:** 821 Harrison Ave. Rezoning Request (Public Hearing)

**Application #:** PL-2023-014

**Proposal:** The applicant proposes to amend the official zoning map of the City of Leadville to change the single lot located at 821 Harrison Ave. from the Retail Core (RC) District to the Transitional Retail/Residential District (TR).

**Legal Description:** Leadville Improvement Company, Block 12, Lot A

**Address:** 821 Harrison Ave.

**Date:** December 13, 2023

**Application Manager:** Chapin LaChance, AICP - Comm. Dev. and Planning Director

**Applicant:** Justin Lopez

**Property Owner:** Lopez's Barberchair, LLC, DBA High & Tight

**Lot size:** 0.085 acres (3,702 sq. ft.) per submitted survey.

**Zoning District:** Retail Core (RC)

**Historic District:** Yes

**Site Conditions:** The 0.085-acre lot contains an existing approximately 1,173 sq. ft. (per Lake County Tax Assessor), 1.5-story historic residential-style structure currently used as a barber shop. The applicant's narrative states the structure was used for residential uses until the 1980s, at which time it was converted to a radio repair shop known as "Stereo Repair". The structure faces Harrison Ave. to the east, with a large brick patio in the front yard, and a deck on the south side of the structure serving as the front entry. The structure is located approximately four ft. from the southern property line and encroaches by approximately two ft. into the W. 9<sup>th</sup> St. right-of-way. A one-story wooden shed is located in the southwest corner of the property, with a wooden privacy fence in the rear yard. A wooden fence and wire fence are located along the southern property line. There are not any off-street parking spaces located on the lot.

**Adjacent Uses:** North: National Mining Hall of Fame and Museum, single-family dwelling (zoned TR)

South: single-family dwelling (zoned RC)

East: Leadville Heritage Museum (zoned C), Leadville-Lake Fire Rescue, (zoned RC)

West: single-family dwelling, (zoned TR)

**Site Photos**

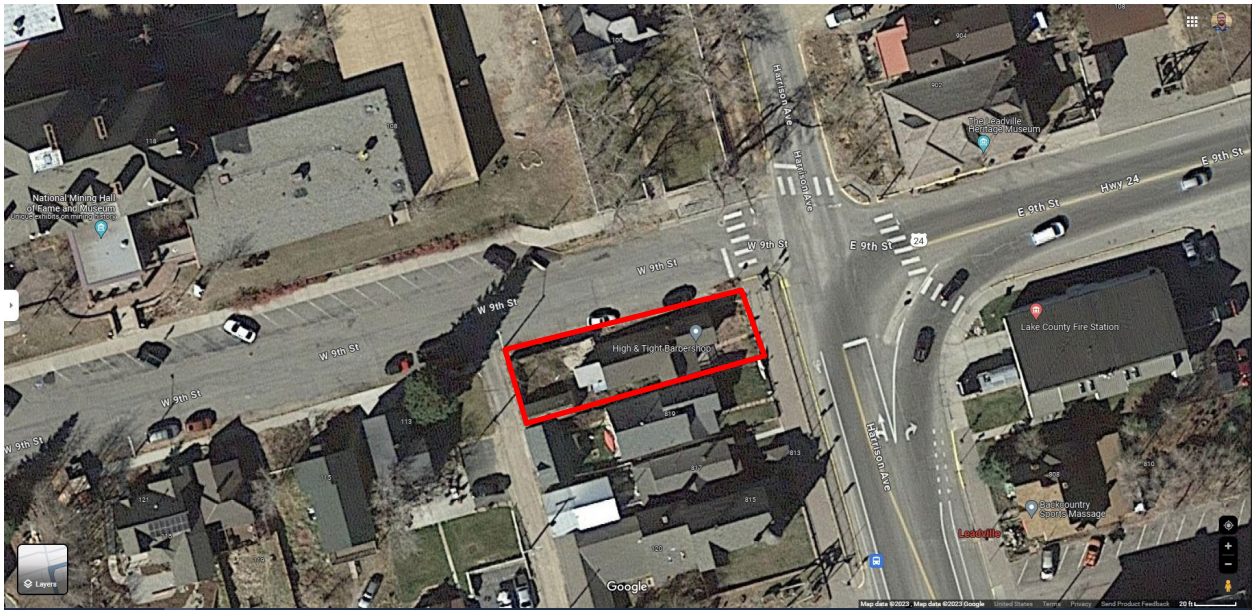


Image 1 (Above): Satellite image with the property's location highlighted in red.

Image 2 (Below): Zoning map excerpt, showing the property's location highlighted in red. The lot proposed for rezoning is located at the northwestern corner of the RC zoning district, which extends the length of Harrison Ave. between 9<sup>th</sup> St. to the north and 2<sup>nd</sup> St. to the south, and half block to the east and west.

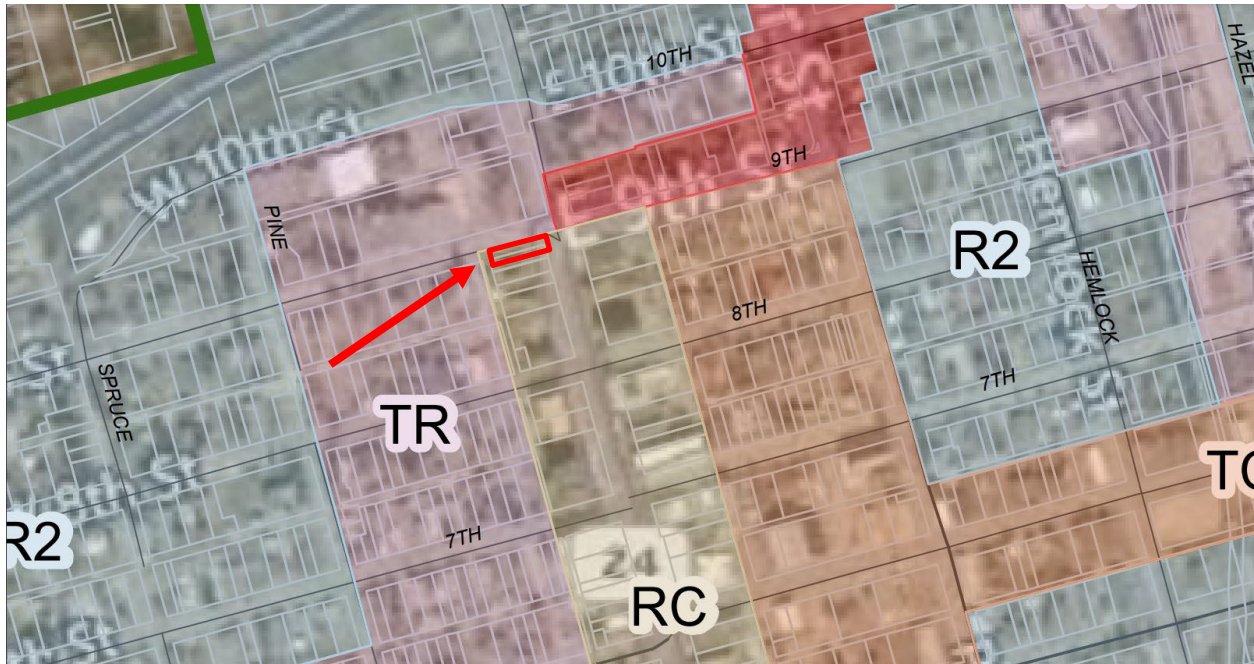






Image 3 (Above): Looking west at the property from Harrison Ave.

Image 4 (Below): Looking south at the property from W. 9<sup>th</sup> St.







Image 5 (Above): Looking east at the property from the rear public alley.

History

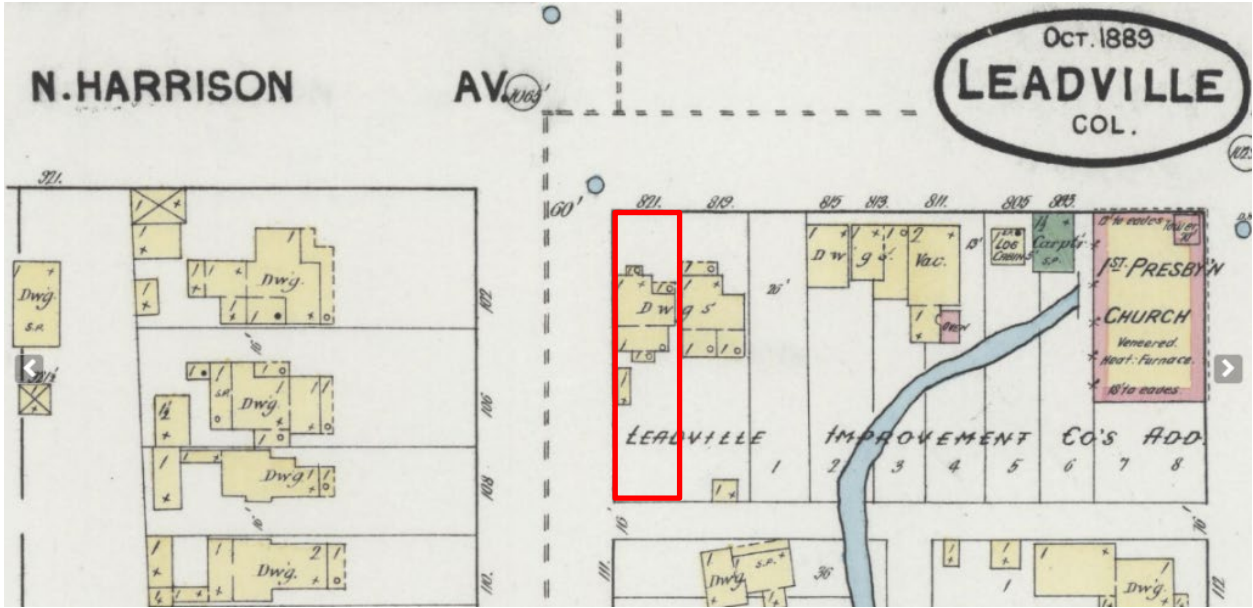


Image 6 (Above): 1889 Sanborn fire insurance map excerpt, with the subject property highlighted in red.

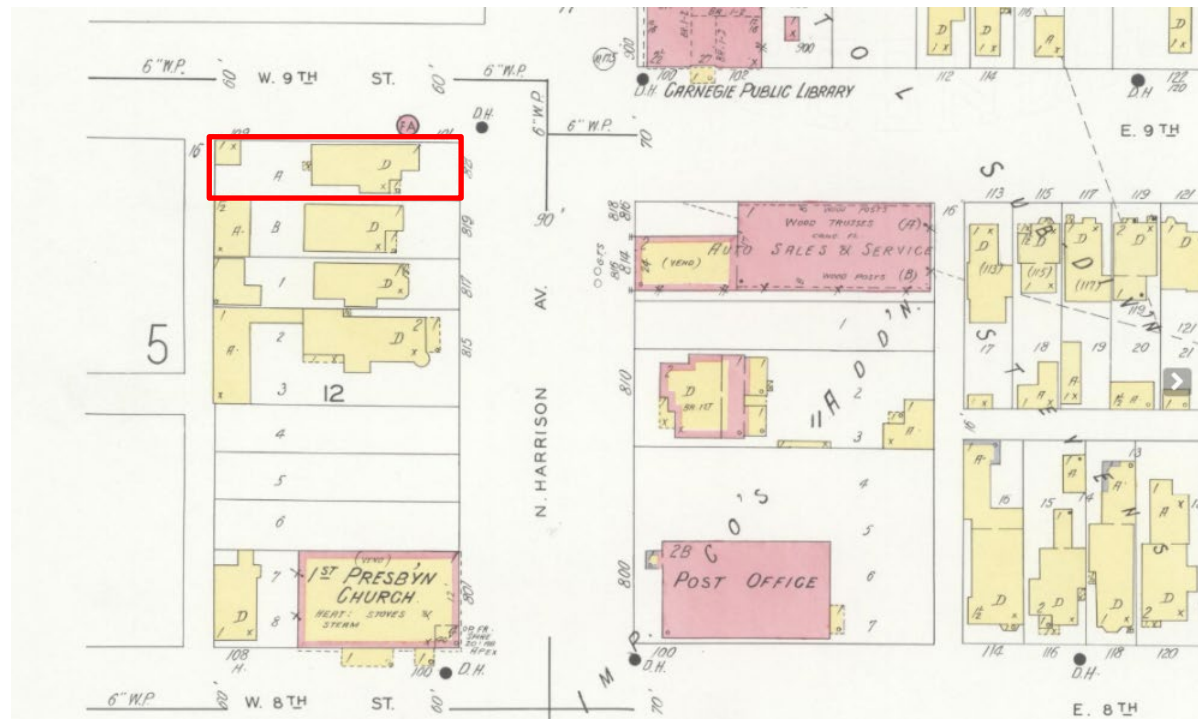


Image 7 (Above): 1937 Sanborn fire insurance map excerpt, with property highlighted in red.

According to the historical Sanborn maps above, the structure has existed since the late 1800's, and traditionally serving as a single-family dwelling. The building was used more recently as a radio repair shop and commercial barber shop.

### Staff Comments

The applicant has stated the intended use of the property is short-term rental. The applicant has applied for a Short-Term Rental License through the Deputy City Clerk's office, and that application is pending the Deputy City Clerk's approval, which includes the requirement to meet the city zoning code. The RC zoning district does not allow short-term rental use of a single-family dwelling. Because the definition of STR use states "dwelling unit", a short-term rental is a type of either single-family, two-family, multi-family dwelling, or accessory dwelling use. The applicant proposes to change the zoning of the property from Retail Core (RC) to Transitional Retail/Residential (TR), which allows short-term rental use of a single-family dwelling with an administrative permit, and single-family dwellings are a by-right use in the TR zoning district.

The property proposed for rezoning is subject to the recent Ordinance No. 2, Series 2023 passed by City Council on July 5, 2023, which updated the Zoning Code's definitions and table of allowed uses. One of the applicable amendments the ordinance made to the Leadville municipal code concerning this proposed rezoning and the intended use of the property was an amendment to the definition of Short-Term Rental use:

#### **17.08.030 and 5.12.030 – Definitions.**

"Short-term rental" unit" means ***a dwelling unit***, including an accessory dwelling unit, or a guest unit within a dwelling unit or accessory dwelling unit that is available for lease for a term of less than thirty

(30) consecutive days. The term "short-term rental unit" shall not apply to hotels, motels, lodges, bed-and-breakfast establishments, hostels, or time share estates, or any guest units within such establishments. **(Emphasis added)**

The other amendment made by the ordinance was moving the land use of "short-term rental units (1 short-term rental unit on a single parcel)" from a by-right use in all zones to "Short-Term Rentals" requiring an Administrative Permit in all zones. Single-family dwellings continue to be a prohibited use in the Retail Core zone district. See excerpt from the Table of Uses below.

TABLE 1

By-Right, Conditional and Prohibited Uses by Zoning District

R = A use allowed by Right

A = A use requiring an Administrative Permit as defined in Chapter 17.50

C = A use requiring a Conditional Permit as defined in Chapter 17.52

Use Category	Use Type	Zoning Districts					
		R-1	R-2	TR	RC	C	TC
<b>Residential Uses</b>							
Household Living	Dwellings above or below commercial use		A	A	R	A	R
	Multifamily dwelling (3-4 units)	C	R	R		R	R
	Multifamily dwelling (5+ units)		C	C	C	C	C
	Single-family dwelling (attached and detached)	R	R	R		C	R
	Two-family dwelling	R	R	R		C	R
	Mobile home park			C			
Group Living	Group Homes		C	C		C	C
	Retirement Home, Senior living facility		R	C		C	C
Lodging Facilities	Short-Term Rentals (Refer to Sec. 5.12)	A	A	A	A	A	A

**17.28.010 - Retail Core (RC) District – General requirements.**

*"This district is created to encompass the principal retail and commercial core of the city, often with residential and office use on the upper floors of multi-story structures and intensive pedestrian shopping and sightseeing along the principal rights-of-way in the district. Streetscaping amenities along with rear or alleyway delivery facilities are particularly encouraged in this business and tourism-oriented district."*

**17.24.010 – Transitional Retail/Residential (TR) District – General Requirements.**

*"This district is created to allow traditional residential occupation in association with commercial business uses so long as such mixed land usage does not produce significant or objectionable levels of traffic, noise, dust or other adverse side effects not compatible with residential occupation."*

These introductory intent statements do not regulate the uses allowed within each zoning district, but these statements do help lay the foundation for the expectations for the character of each district.

**17.48.010 – By Right, Conditional, and Prohibited Uses - Designated**

The following uses are allowed by right in the RC and TR zone districts:

RC District	TR District
	Multifamily dwelling (3-4 units)
	Single-family dwellings
	Two-family dwellings
	Bed and breakfast establishments
Dwellings above or below commercial use	
Community center	
Membership clubs and lodges	
Museums	
Bars and lounges, brew pub, distillery pub	
Restaurants	
Hotels and hostels	
Professional and business offices	Professional and business offices
Personal services (current use)	
Art gallery	Art gallery
Outdoor guiding	Outdoor guiding
Outdoor recreation equipment rental	Outdoor recreation equipment rental
General retail sales	
Rental shop	
Wholesale and/or distribution facility	
	Parks, playgrounds, athletic facilities

**17.92.010 – Rezoning and Amendments - Purpose and applicability.**

*A. The procedures set forth in this chapter provide a process to amend the official zoning district map of the city, the text of this title, and the zoning classification of any parcel in the city. An amendment to the zoning classification of a parcel or an amendment to the official zoning district map of the city may be referred to as a "rezoning" in this code... This **chapter is not intended to relieve the particular hardships** of or confer special privileges or rights on any person. (Emphasis added)*

As applied to the proposed rezoning, staff notes that this section clarifies the intent of this rezoning section is not to allow for rezonings of specific properties or for specific property owners in order to allow a proposed use that would otherwise not be allowed under the current zoning.

**17.92.030 - Approval criteria.**

*A. Rezoning Approval Criteria. In reviewing a proposed rezoning, the planning and zoning commission and city council shall consider whether the proposed rezoning complies with each of the following criteria, as applicable:*

- 1. The rezoning promotes the health, safety, and general welfare of the community;*



Many other mountain communities have designated properties facing their “Main Streets” and downtown cores as zoning districts which only allow commercial, non-residential uses on the ground floor. This is for the purpose of maintaining an active street presence and a vibrant downtown with opportunities for shopping, entertainment, dining, offices, and civic uses. Examples and excerpts from Buena Vista and Salida are provided below.

Buena Vista’s Mixed-Use Main Street (MU-MS) District

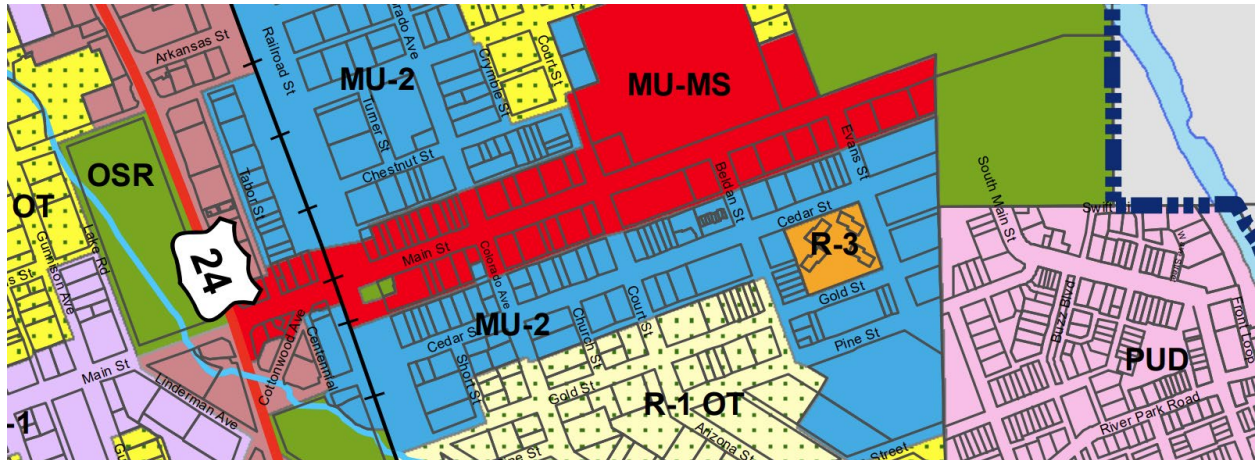


Image 8 (Above): Excerpt from the Town of Buena Vista Zoning Map, showing the properties facing Main St. designated as Mixed-Use Main Street District (MU-MS) in red.

*“The MU-MS district is intended to allow for a vertical or horizontal mix of residential and commercial land uses except single-family dwellings along East Main Street in downtown Buena Vista, and other “main street” developments throughout the Town. The district is intended to maintain a vibrant downtown with shopping opportunities, offices, entertainment, lodging, and civic uses. The MU-MS district is intended for predominantly vertical mixed-use (commercial on first floor and other commercial or residential above), with occasional horizontal mixed-use. The MU-MS district places an emphasis on an active street presence with appropriate character and form. \*Residential dwelling units not allowed in the MU-MS zone district unless part of a mixed-use building.” (Emphasis added)*

Salida's Central Business (C-2) and Central Business Economic Overlay (CBEO)

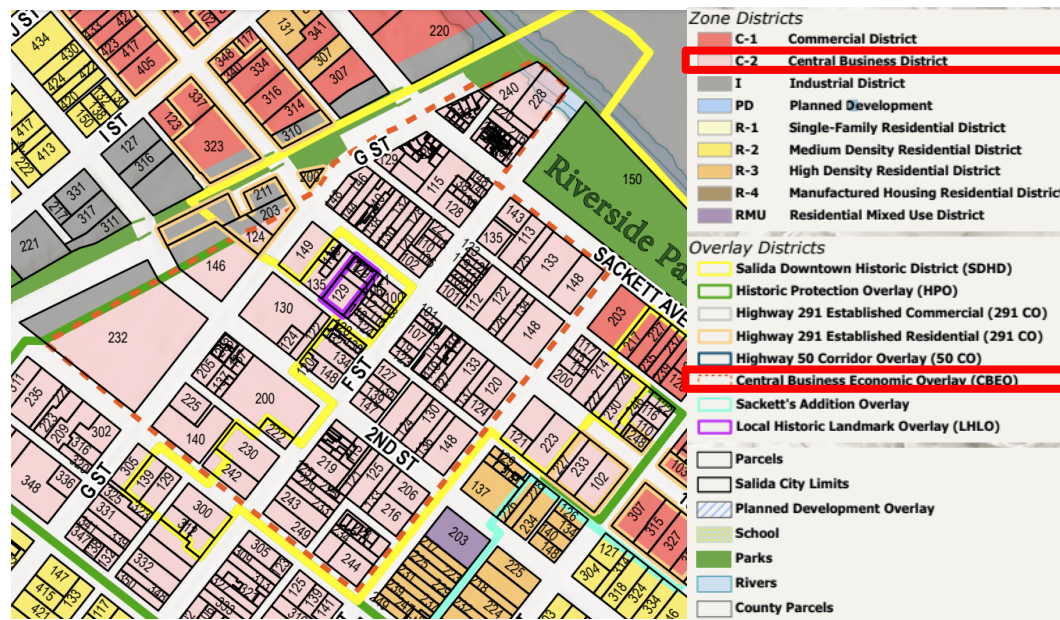


Image 9 (Above): Excerpt from the City of Salida Zoning Map, showing the properties in the city's core designated as C-2 and within the CBEO overlay district.

*Sec. 16-4-80. - Commercial, business and industrial zone districts.*

*The purpose of the Central Business District (C-2) zone district is to provide for the business and civic functions that make up the City's core. The Central Business District (C-2) has a strong pedestrian character and provides for concentrated commercial activity. It contains a mix of business, commercial and residential uses, and serves the needs of the entire community and of visitors to the community.*

*Sec. 16-5-90. - Central Business Economic Overlay (CBEO).*

- (1) *Street Frontage.* (i) **The street frontage on the street level of buildings shall not be used for residential uses** as defined by Table 16-D, Schedule of Uses. (ii) *No more than fifty percent (50%) of the remaining area of the ground floor occupancy may be used for residential uses. (Emphasis added)*

In addition to maintaining the vibrancy and character of Harrison Ave., ground floor commercial uses are extremely important for maintaining development for Leadville's tourism-based economy. Because the character of Harrison Ave. and Leadville's economic development are important to the overall welfare of the community, staff finds that rezoning the subject property to a zone that would allow short-term residential use of a single-family dwelling does not comply with this standard. **DOES NOT COMPLY.**

*2. The rezoning will not result in a significant adverse effect on the surrounding area;*

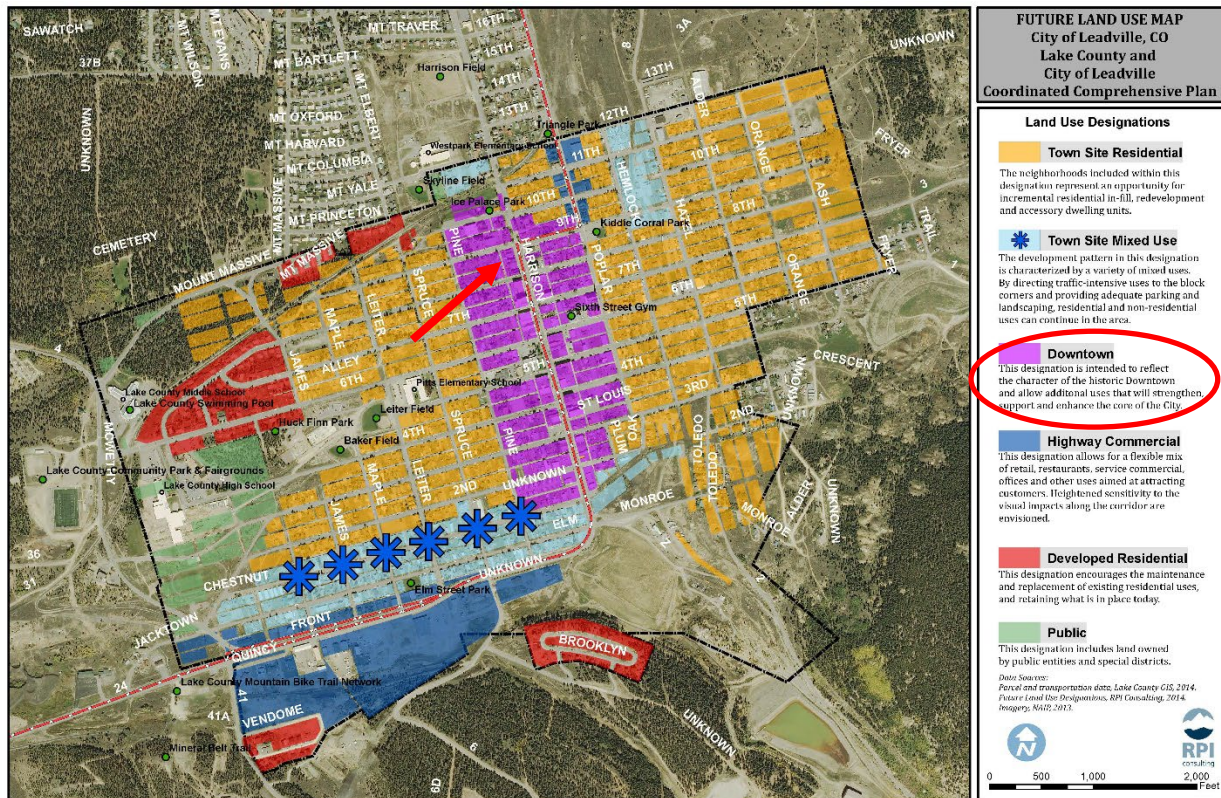
The three (3) lots to the south of the subject property also contain historic single-family dwellings of traditional form. These single-family dwellings are legal-nonconforming to the RC zoning district because they were constructed and initiated their use prior to prohibition of single-family dwellings in the



RC zoning district of the city's zoning ordinance. Because the proposed rezoning of the property to the TR zoning district would also allow single-family dwellings consistent with the three (3) legal-nonconforming uses to the south and legal uses to the west, staff finds the proposed rezoning will not result in a significant adverse effect to the other nearby single-family residential uses. **COMPLIES.**

3. The proposed rezoning is in conformity with the city's comprehensive plan, as amended from time to time;

The comprehensive plan is a guiding document that should be referenced for evaluation of proposed zoning map amendments. The subject property lies within the "Downtown" land use designation of the [2015 Comprehensive Plan's Future Land Use Plan](#) which is a designation that is "intended to reflect the character of the historic Downtown and allow additional uses that will strengthen, support and enhance the core of the City." As can be seen on the map, the "Downtown" designation is shown to extend one block off of Harrison to the East and West, meaning that the Future Land Use Plan contemplates the historic downtown character, which predominately features ground floor commercial uses, extending into these areas. Note that the property is not designated "Town Site" Residential. Because the Future Land Use Map of the Comprehensive Plan calls for the predominately ground floor commercial character of the historic downtown to be extended through the area of the subject property, staff finds the proposed rezoning of the subject property to a use which would allow ground floor residential use does not conform to the Comprehensive Plan and therefore does not comply with this standard. **DOES NOT COMPLY.**



4. There have been material changes in the character of the neighborhood that justify a rezoning of the subject parcel; Staff is not aware of any recent changes in use of nearby properties from commercial to



residential, or considerable changes to the character of the nearby properties that would justify the proposed rezoning. **DOES NOT COMPLY.**

5. *The proposed rezoning will preserve and promote property values in the neighborhood;* Considering the significant increases in recent market values of single-family homes in Leadville, staff does not have any doubt that the proposed rezoning of the property to a zone which will allow single-family residential use will preserve and promote values of nearby properties. **COMPLIES.**

6. *Development of the subject parcel in accordance with the proposed rezoning will be in harmony and compatible with surrounding land uses and present development in the area;* As previously mentioned, the three (3) lots to the south of the subject property also contain historic single-family dwellings of traditional form. Because the proposed rezoning of the property to the TR zoning district would also allow single-family dwellings consistent with the three (3) legal-nonconforming uses to the south and legal uses to the west, staff finds the proposed rezoning will be compatible with the existing surrounding single-family residential uses. **COMPLIES.**

7. *Adequate infrastructure and facilities are available to serve the types of uses allowed by the rezoning, or the applicant will upgrade and provide such infrastructure or facilities at the applicant's expense where they do not exist or are under capacity;* Staff is unaware of any inadequacies in infrastructure or facilities to serve residential uses allowed by the proposed rezoning. Onsite parking could be added to the rear of the property, accessible from the public alley, should the property convert to single, two, or multi-family uses in the future. **COMPLIES.**

8. *The proposed rezoning will not cause or increase traffic congestion in the area;* Staff notes that residential dwellings allowed with the proposed rezoning to TR would likely create more evening, weekend, and after-hours on-street parking demands on W. 9<sup>th</sup> St., while on-street parking demands for commercial uses in the existing RC zoning are likely more concentrated to daytime hours. Staff finds this could increase traffic in the area in the evenings but would likely result in no net increase within a 24 hour or 7-day period. **NUETRAL.**

9. *The existing zoning classification currently recorded on the official zoning map of the city is in error;* The zoning map is not in error. The RC zoning district was clearly intended to extend to 9<sup>th</sup> St. on both sides of Harrison Ave. **DOES NOT COMPLY.**

*and*

10. *The proposed rezoning is necessary in order to provide for a community need that was not anticipated at the time of the adoption of the current comprehensive plan of the city.* The community is in need of commercial lodging to support the local tourism-based economy, as well as additional long-term residential uses to address the extreme shortage of affordable housing. Page 33 of the 2015 Comprehensive Plan clearly established a need for “*diversity in housing types*” and established a goal to “*promote the development of diversity of housing types providing for residents with different economic and housing needs and giving Leadville and Lake County employees the opportunity to live affordably close to where they work.*” Staff does not find that the residential use that would be allowed with the proposed rezoning of the property to TR meets a need unanticipated by the 2015 Comprehensive Plan, since a need for additional residential was identified in the Comprehensive Plan. **DOES NOT COMPLY.**

**Public comment:** Staff has not received any public comment at the time of this report.

**Other:** The city planning profession generally discourages the practice of “spot zoning”. Spot zoning is defined by The Illustrated Book of Development Definitions as “*Rezoning of a lot or parcel of land to benefit an owner of a use that is incompatible with surrounding land uses that does not further the comprehensive zoning plan. Comment: Spot zoning per se may not be illegal; it may only be descriptive of a certain set of facts and consequently neutral with respect to whether it is valid or invalid... spot zoning is invalid only when all of the following factors are present: 1) A small parcel of land is singled out for special and privileged treatment; 2) the singling out is not in the public interest but only for the benefit of the land owner; and 3) the action is not in accord with a comprehensive plan.*” (Harvey S. Moskowitz, FAICP and Carl G. Lindbloom, AICP, The Illustrated Book of Development Definitions, New York, New York, 2015, page 378).

Staff finds that the proposed rezoning does not meet the spot zoning validation criteria stated above, and is invalid spot zoning for the following reasons:

- 1) Only one parcel of land is proposed for rezoning for the desired change of use to short-term residential, so the parcel of land is singled out for special treatment,
- 2) the singling out is primarily for the benefit of the landowner to earn revenue through the use of the property as short-term rental, a use allowed in the proposed zoning district, and
- 3) the proposed rezoning to a residential zone is not in accord with the 2015 Leadville Comprehensive Plan because the Future Land Use Map does not designate the subject property for residential uses, which would be allowed with the proposed rezoning to the TR zoning district.

#### **Questions for the Commission**

1. Does the Planning and Zoning Commission agree with staff’s analysis?

#### **Recommendation**

Staff has evaluated this rezoning application for compliance with Title 17 Zoning of the Leadville Municipal Code. Although the proposed rezoning of the subject property to the TR zoning district would allow single-family dwelling use of the property, consistent with the historical use of the property, and the three (3) legal-nonconforming single-family dwellings located to the south, staff finds that five (5) of the ten (10) applicable approval criteria are not met as required, and that the proposed rezoning is considered invalid “spot zoning”.

Pending the Commission’s responses to the question above, staff finds the proposed rezoning does not comply with this title. Staff recommends the Planning and Zoning Commission recommend the City Council not approve the proposed rezoning, PL-2023-014, located at 821 Harrison Ave., along with the attached Findings.

**Recommended motion:** *“I move the Planning and Zoning Commission recommended the City Council not approve the proposed rezoning, PL-2023-014, located at 821 Harrison Ave., along with the attached Findings.”*

**CITY OF LEADVILLE**

**821 Harrison Ave. Rezoning Request  
Leadville Improvement Company, Block 12, Lot A  
Rezoning Request from RC to TR  
PL-2023-014**

**FINDINGS**

1. The property which is the subject of the proposed rezoning application is located at 821 Harrison Ave, also known as Lot A, Block 12, Leadville Improvement Company. Such property is located in the city’s Retail Core (RC) zoning district.
2. The city’s zoning regulations were adopted in Title 17 of the Leadville Municipal Code.
3. The application proposes to amend the official zoning map of the city to designate the subject property as within the Transitional Retail/Residential (TR) zoning district.
4. Failure to comply with the zoning regulations requires the denial of a rezoning request.
5. The City Council finds the rezoning request fails to meet the following criteria for rezoning:
  - a. The rezoning promotes the health, safety, and general welfare of the community;
  - b. The proposed rezoning is in conformity with the city's comprehensive plan, as amended from time to time;
  - c. There have been material changes in the character of the neighborhood that justify a rezoning of the subject parcel;
  - d. The existing zoning classification currently recorded on the official zoning map of the city is in error, and
  - e. The proposed rezoning is necessary in order to provide for a community need that was not anticipated at the time of the adoption of the current comprehensive plan of the city.
6. The proposed rezoning is therefore not in compliance with the Title 17 of the Leadville Municipal Code.

**DECISION**

Due to the forgoing findings, the application is denied.

**CITY OF LEADVILLE**, a Colorado municipal corporation.

By \_\_\_\_\_  
Mayor, City of Leadville  
City’s address:  
800 Harrison Ave.  
Leadville, CO 80461



October 30, 2023

To the City of Leadville,

I am submitting a request to have my property located at 821 Harrison Ave, Leadville, CO rezoned. I purchased the building June 15, 2021, however I had already been occupying the space since fall of 2019. When I purchased the property and all the legal documents were filed, it was brought to my attention that the property taxes previously applied to the building were residential, it wasn't until I moved my business into the building that the property taxes were amended to commercial. The property itself has been both residential and commercial . Upon my research at the public library and the assessor office, I found records dating all the way back the early 1900's, where a woman by the name of Leticia M. Hughes lived at 821 Harrison Ave, to the 1980s when it was a radio repair shop, known as "Stereo Repair."

The property is a Victorian home. Its original function was residential and my intent is to rezone it back to residential property. Just over the last couple of years commercial property taxes have increased significantly, along with all other expenses such as electricity, gas, and all the other expenses that come with owning a business. I have been in business for just shy of 12 years, and the tax increase has had an impact in my ability to sustain my business in the town I grew up in. I started paying \$3,000, and now \$8,000 in property taxes. These types of increases force you to get creative. If I could rent my property as a short term rental, it would potentially allow me to make some profit and it would take weight off my shoulders. When I bought the building I was reassured that the rezoning would be a simple process, if it ever came to that. This is why I considered the rezoning to begin with. Because I have been told different things along this journey, about what I can and cannot do with my property, and was under the false impression that this would be simple, I went ahead and prematurely signed a 5 year lease at The Tabor, making this process extremely time sensitive. Please consider everything I have mentioned and let me know if there's other questions you may have.

Thank you,

Justin Lopez

970-471-4424



Chapin LaChance &lt;planningdirector@leadville-co.gov&gt;

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**821 Harrison Ave.**

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**Justin Lopez** <jnixfootball8@yahoo.com>  
To: Chapin LaChance <planningdirector@leadville-co.gov>

Wed, Nov 1, 2023 at 12:15 PM

Rezoning Approval Criteria. In reviewing a proposed rezoning, the planning and zoning commission and city council shall consider whether the proposed rezoning complies with each of the following criteria, as applicable:

1.The rezoning promotes the health, safety, and general welfare of the community;

ever since I bought my building I have shoveled snow on the city's stairs and sidewalks to ensure a clear pathway down the stairs and sidewalks prior to use opening businesses nobody took care of those stairs.

2.The rezoning will not result in a significant adverse effect on the surrounding area;

no it will not if anything there will be less parking traffic coming in and out of the barbershop.

3.The proposed rezoning is in conformity with the city's comprehensive plan, as amended from time to time;

on the zoning map I received from planning and zoning my area is zoned as commercial only but all my neighbors are single family homes.

4.There have been material changes in the character of the neighborhood that justify a rezoning of the subject parcel;

yes my next door neighbor took his siding down and exposed his nice Victorian siding and he fixed up his house the feel of the block is single family living.

5.The proposed rezoning will preserve and promote property values in the neighborhood;

yes by looking at houses that have 2 br 2 bath they are going for a lot more than property was originally valued at.

6.Development of the subject parcel in accordance with the proposed rezoning will be in harmony and compatible with surrounding land uses and present development in the area;

yes the house is on a corner of a single family living block yes it's facing Harrison but it's a Victorian house.

7. Adequate infrastructure and facilities are available to serve the types of uses allowed by the rezoning, or the applicant will upgrade and provide such infrastructure or facilities at the applicant's expense where they do not exist or are under capacity;

yes the bathrooms and kitchens have been upgraded and ready to move in.

8. The proposed rezoning will not cause or increase traffic congestion in the area;

no I will decrease the traffic due to there will no longer be a business will constant traffic.

9. The existing zoning classification currently recorded on the official zoning map of the city is in error; and

10. The proposed rezoning is necessary in order to provide for a community need that was not anticipated at the time of the adoption of the current comprehensive plan of the city.

The zoning on the map is correct, however the property has previously been residential and it has gone back and forth from residential to commercial.

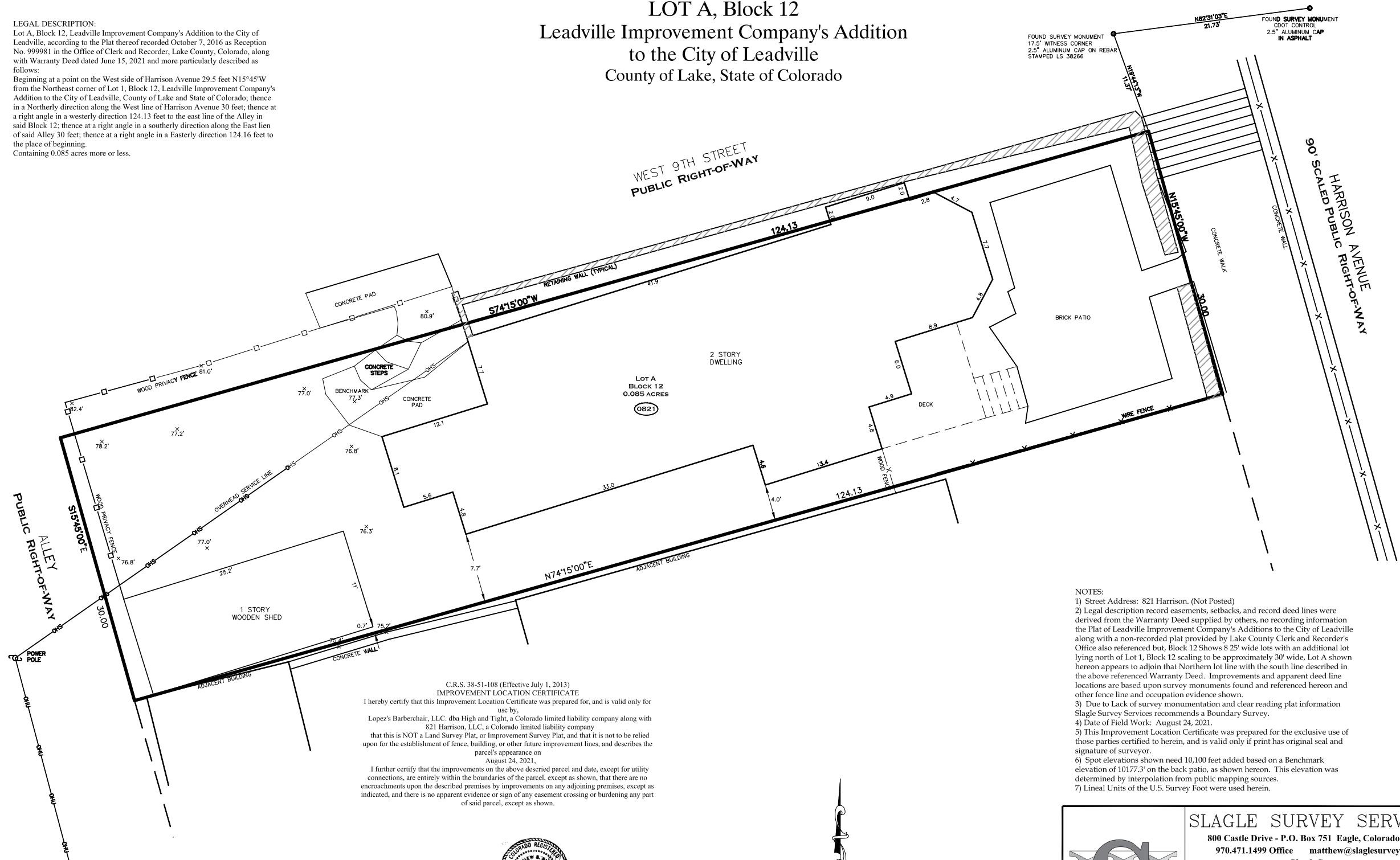
I did research on this building through the assessors office and the public library up until 1980 it was a single family victorian house. In 1980s a man lost his arm at climax the gave him a settlement the buy a house and open a business at my location this is when the zoning was changed therefore it will be changed back to its original.

[Quoted text hidden]



**IMPROVEMENT LOCATION CERTIFICATE**  
**LOT A, Block 12**  
**Leadville Improvement Company's Addition**  
**to the City of Leadville**  
**County of Lake, State of Colorado**

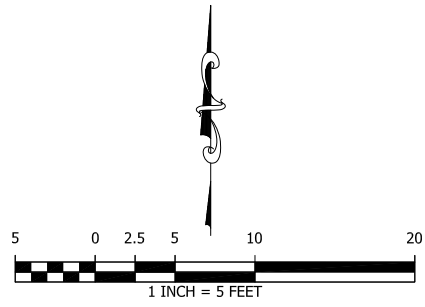
**LEGAL DESCRIPTION:**  
 Lot A, Block 12, Leadville Improvement Company's Addition to the City of Leadville, according to the Plat thereof recorded October 7, 2016 as Reception No. 999981 in the Office of Clerk and Recorder, Lake County, Colorado, along with Warranty Deed dated June 15, 2021 and more particularly described as follows:  
 Beginning at a point on the West side of Harrison Avenue 29.5 feet N15°45'W from the Northeast corner of Lot 1, Block 12, Leadville Improvement Company's Addition to the City of Leadville, County of Lake and State of Colorado; thence in a Northerly direction along the West line of Harrison Avenue 30 feet; thence at a right angle in a westerly direction 124.13 feet to the east line of the Alley in said Block 12; thence at a right angle in a southerly direction along the East line of said Alley 30 feet; thence at a right angle in a Easterly direction 124.16 feet to the place of beginning.  
 Containing 0.085 acres more or less.



C.R.S. 38-51-108 (Effective July 1, 2013)  
**IMPROVEMENT LOCATION CERTIFICATE**  
 I hereby certify that this Improvement Location Certificate was prepared for, and is valid only for use by:  
 Lopez's Barberchair, LLC, dba High and Tight, a Colorado limited liability company along with 821 Harrison, LLC, a Colorado limited liability company  
 that this is NOT a Land Survey Plat, or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines, and describes the parcel's appearance on  
 August 24, 2021.  
 I further certify that the improvements on the above described parcel and date, except for utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as shown.



Matthew S. Slagle PLS 34998  
 Professional Land Surveyor  
 State of Colorado



- NOTES:**
- 1) Street Address: 821 Harrison. (Not Posted)
  - 2) Legal description record easements, setbacks, and record deed lines were derived from the Warranty Deed supplied by others, no recording information the Plat of Leadville Improvement Company's Additions to the City of Leadville along with a non-recorded plat provided by Lake County Clerk and Recorder's Office also referenced but, Block 12 Shows 8 25' wide lots with an additional lot lying north of Lot 1, Block 12 scaling to be approximately 30' wide, Lot A shown hereon appears to adjoin that Northern lot line with the south line described in the above referenced Warranty Deed. Improvements and apparent deed line locations are based upon survey monuments found and referenced hereon and other fence line and occupation evidence shown.
  - 3) Due to Lack of survey monumentation and clear reading plat information Slagle Survey Services recommends a Boundary Survey.
  - 4) Date of Field Work: August 24, 2021.
  - 5) This Improvement Location Certificate was prepared for the exclusive use of those parties certified to herein, and is valid only if print has original seal and signature of surveyor.
  - 6) Spot elevations shown need 10,100 feet added based on a Benchmark elevation of 10177.3' on the back patio, as shown hereon. This elevation was determined by interpolation from public mapping sources.
  - 7) Lineal Units of the U.S. Survey Foot were used herein.

**NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

<b>SLAGLE SURVEY SERVICES</b>		
800 Castle Drive - P.O. Box 751 Eagle, Colorado 81631 970.471.1499 Office matthew@slaglesurvey.com www.SlagleSurvey.com		
IMPROVEMENT LOCATION CERTIFICATE LOT A, Block 12 Leadville Improvement Company's Addition to the City of Leadville County of Lake, State of Colorado		
DRAWN BY: MSS	JOB NUMBER: 21069	DRAWING NAME: 21069_ILC.dwg
SHEET 1 of 1		DATE: 09-08-2021