

City of Leadville Planning & Zoning Commission Regular Meeting Agenda

Date: 7/26/23 Time: 6:00pm

(Held in person & via Zoom)

Join Zoom Meeting

<https://leadville-co-gov.zoom.us/j/89683947349?pwd=Umq0QmxXVmlhR1ptaW5JQXdmN0VIZz09>

Meeting ID: 896 8394 7349

Passcode: 80461

Dial by your location

+1 719 359 4580 US

+1 346 248 7799 US (Houston)

Meeting ID: 896 8394 7349

- | | | |
|--|---|---|
| <p>1. Governance Items:</p> <ul style="list-style-type: none">● Call to Order and Roll Call● Approval of Agenda/Revisions● Approval of minutes:
6/28/23 Minutes | <p>Motion of approval of agenda and minutes</p> | <p>Chair, Staff</p> |
| <p>2. Public comment- Items not on Agenda:</p> | | |
| <p>3. General Updates:</p> <ul style="list-style-type: none">● Title 17 - Definitions/Table of Uses Amendments second reading at City Council: PASSED● Title 17 – National Historic Landmark Overlay District Amendments second reading at City Council: PASSED● Requesting Joint Work Session with City Council on Tuesday, 8/29 at 6pm for Title 17 - Housing Variety code amendments | | <p>Chair, Staff</p> |
| <p>4. New Business:</p> <ul style="list-style-type: none">● *Engelbach Change of Use from Commercial Office to Two-Family Dwelling Conditional Use Permit* | <p>*Items for formal vote</p> | <p>Chair, Staff, Commission Members</p> |
| <p>5. Goal Setting 2023-</p> <ul style="list-style-type: none">1. Title 17 – Zoning: Definitions, Uses amendments2. Title 17 – Zoning: Housing Variety amendments (requesting Joint Work Session 8/29)3. STRs – Recommendations to City Council on numerical limit for STR licenses4. P&Z By-laws and Commissioner terms5. Commissioner legal training6. Housing (Ex: Pre-approved plans)7. Parking District/commercial fee-in-lieu program8. 2025 Comprehensive Plan9. R-1 Zone assessment10. Residential permit parking program11. Exterior lighting regulations12. Commercial FAR | | <p>Chair, Staff, Commission Members</p> |
| <p>6. Adjourn</p> <p>8/9/23 meeting CANCELLED</p> <p>Next meeting – 8/23/23 – Community Justice Center motion for continuance to TBD date</p> | | |

Wednesday, June 28, 2023- 6:00pm
Leadville Planning & Zoning Commission
Regular Meeting DRAFT Minutes
City Hall and via Zoom

1. **Call to Order:** Chair Voeller is out, Vice Chair Bauer is via Zoom and will to run tonight's meeting. Bauer called the meeting to order at 6:03 pm.
Roll Call: Commissioners Ducharme, Tannous, Edwards and Bauer and Mayor Labbe were present; Chair Voeller and Commissioner Law were absent; City of Leadville Planning Director Chapin LaChance was also present.
Agenda Approval/Revisions: Agenda Revisions: –NONE. Agenda approved.
Minutes Approval: June 14, 2023 minutes: **Commissioner Ducharme** moved to approve the minutes of 6/14/23, Labbe seconded, all present were in favor.
2. **Public Comments on Items Not on the Agenda:** One member of public in council chambers. Steve Prestash – 131 E 3rd St, lived here since 1980. Noting the constructive absence of the Board members here, all on the computer, no one's here, think there's quite a bit lost to that. It really detracts from what we are supposed to be doing here. He is running for office and if elected he may say if a board member is not present in person, they don't get paid for that meeting.
3. **General Updates:**
LaChance noted **Circle K Electric Vehicle Charging**, 108 Harrison: Scheduled for a public hearing tonight, but public notice was not provided by the applicant and they did not submit the required revisions, currently working to address some CDOT comments. Labbe asked if it makes any sense for us to hold a public hearing before CDOT approves. LaChance did ask CDOT if comments from CDOT can be addressed by conditions of approval from the City and they said absolutely. Public Hearing date to be determined. **Railyard SIA Amendment:** City Council reviewed a Resolution authorizing staff to amend the Railyard SIA, with terms to extend the allowed completion date for subdivision improvements to end of September next year. City Council did approve the SIA Amendment with modified terms. Title 17 – Definitions/Table of Uses second reading at City Council: Public Notice issue on this as well, so this Ordinance has been rescheduled for second reading at the July 5th City Council meeting.
4. **Continued Business:**
Ordinance No. 3, Series of 2023: An Ordinance Repealing and Reenacting Chapter 17.44 of the Leadville Municipal Code Concerning the Regulations Governing the City's National Historic Landmark Overlay District: Labbe noted this has to go through Planning and Zoning, City Council has had their First Reading of this Ordinance, this is Planning and Zoning's opportunity to review the changes that have been suggested. It is P&Z's responsibility to give a recommendation to City Council on the changes the Historic Preservation Commission (HPC) has suggested. Labbe read the script for public hearings and opened the public hearing at 6:15 pm. Chapin LaChance, Planning Director City of Leadville presented the Ordinance, as in the packet, discussing the recent revisions. Noted the second open house the HPC held was very successful. Noted why historic preservation is important to Leadville and the impacts of changes to the historic district. LaChance gave example of structures that don't fit in with the standards and guidelines in place. LaChance explained the criteria to approve a text amendment to Title 17. In the packet is the Criteria and why this text amendments meets those criteria. LaChance concluded his presentation with a formal request that the Planning and Zoning recommend City Council adopt this ordinance. Labbe asked if commissioners had any questions before he opens the hearing for public comments. Bauer thinks this is a good plan moving forward. Labbe opened the public comment portion of the hearing at 6:40 pm, no public comments, Edwards moved to close the public comment portion; Ducharme seconded, public input portion was closed at 6:41 pm., all

were in favor. Commission deliberated, Ducharme asked about the difference in Insubstantial and Substantial and the COA process. LaChance replied a lot of the renovations can be approved at the building permit level, which requires no extra paperwork. Then there is an administrative approval for the Insubstantial modifications. The Substantial modifications are the ones that require the HPC review and recommendation to City Council for final approval. Bauer asked if general maintenance that doesn't require a building permit, would it now require a Certificate of Appropriateness. Edwards stated changing like for like would not require a building permit or a COA. Bauer asked if there was a fee or a sliding scale fee for the COA process. LaChance noted this year in the new fee schedule there is a fee for Insubstantial and Substantial modifications.

Commissioner Bauer moved that the Planning and Zoning Commission recommend that the City Council adopt Ordinance No. 3, Series of 2023: an Ordinance Repealing and Reenacting Chapter 17.44 of the Leadville Municipal Code Concerning the Regulation Governing the City's National Historic District Landmark Overlay District; Edwards seconded; Vote was 5-0-0-2 in favor. Mayor Labbe closed the public hearing at 6:56 pm.

LaChance explained that the HPC is in the process of getting surveys done of the National Historic Landmark district and what that will mean to the process of determining historic structures. Also spoke about design guidelines for renovation and rehabilitation. The survey will help us set the design guidelines. Labbe noted the surveys will also help those applying for the historic tax credits.

5. Goal Setting 2023:

1. ~~Title 17—Zoning: Definitions, Uses Amendments~~ – (7/5 City Council Second Reading)
2. Title 17 – Zoning: PAT Recommended Amendments (5/10 work session, redlines in August)
3. ~~STRs—Discussed and gave a recommendation~~ (3/22)
4. P&Z By-Laws and Commissioner Terms (5/24)
5. Commissioner Legal Training (New City Attorney)
6. Housing
7. Parking District/Fee-in-Lieu program
8. 2025 Comprehensive Plan
9. R-1 Zone Assessment
10. Residential Permit Parking Program
11. Exterior Lighting regulations
12. Floor Area Restriction for Commercial uses (added by LaChance 5/10/23)

6. Adjourn:

Motion to Adjourn: Labbe adjourned the meeting at 7:01 pm.

Adjourned 7:01 pm

Regular Meetings: Twice a month for spring/summer season

Next Meetings: **June 28, 2023** – No public hearing scheduled, can work on PAT recommendations

Chair Voeller noted she be unable to attend June 28th meeting.



Planning and Zoning Commission Staff Report

Subject: Engelbach Change of Use from Commercial Office to Two-Family Dwelling (Conditional Use Permit, Public Hearing)

Application #: PL-2023-007

Proposal: The applicant proposes to change the use of the property from commercial to a two-family dwelling, with short-term rental use on the main floor and long-term rental use on the upper floor.

Legal Description: Oro Addition, Block 11, Lots 5,6,7,8

Address: 610 Front St.

Date: July 26, 2023

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

Applicant: Bill Engelbach

Property Owner: Thomas Engelbach

Lot size: 0.274 acres (11,944 sq. ft.)

Zoning District: Commercial/Highway Business (C)

Historic District: No

Site Conditions: The existing 1.5 story historic residential-style building contains an approximately 1,507 sq. ft. commercial office space on the main level and an approximately 861 sq. ft. apartment on the upper level. The site consists of five (5) lots, contains a 430 sq. ft. detached garage, and a shed and outbuilding which both encroach on to the rear public alley. There is a wooden fence along the northern, eastern, and western property boundaries, and a chain link fence along a portion of the southern frontage. There are two (2) paved parking areas along Front. St.

Adjacent Uses: North: two (2) two-family dwellings (zoned TR)
South: Front St. right-of-way
East: single-family dwelling (zoned C)
West: single-family dwelling, 1,110 sq. ft. is taxed as “commercial, merchandising” by Lake County Assessor (zoned C)

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.

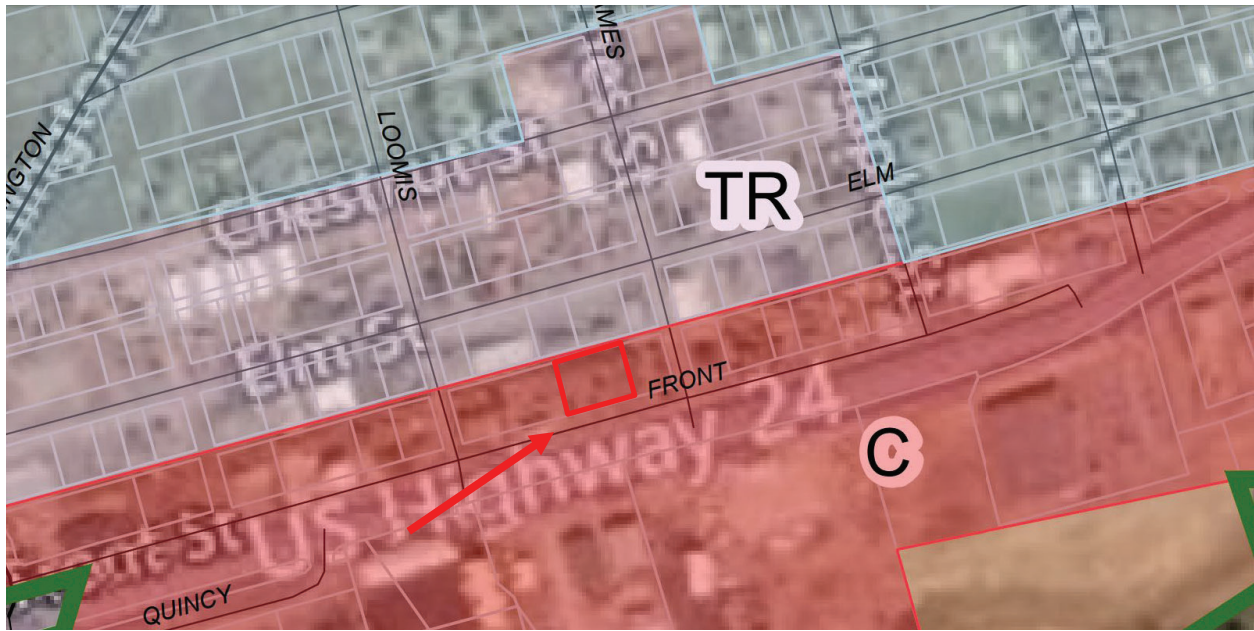




Image 3 (Above): Looking north at the property from Front St.

Image 4 (Below): Looking northwest at the property from Front St.





Image 5 (Above): Looking northeast at the property from Front St.

History

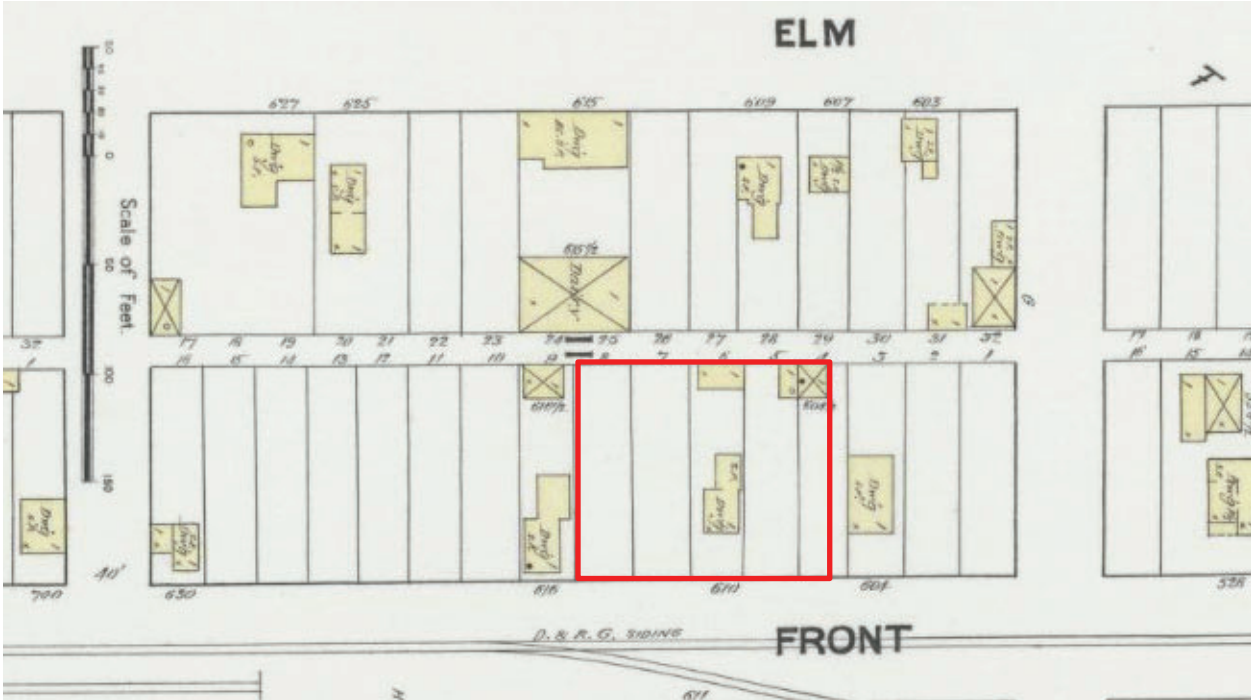
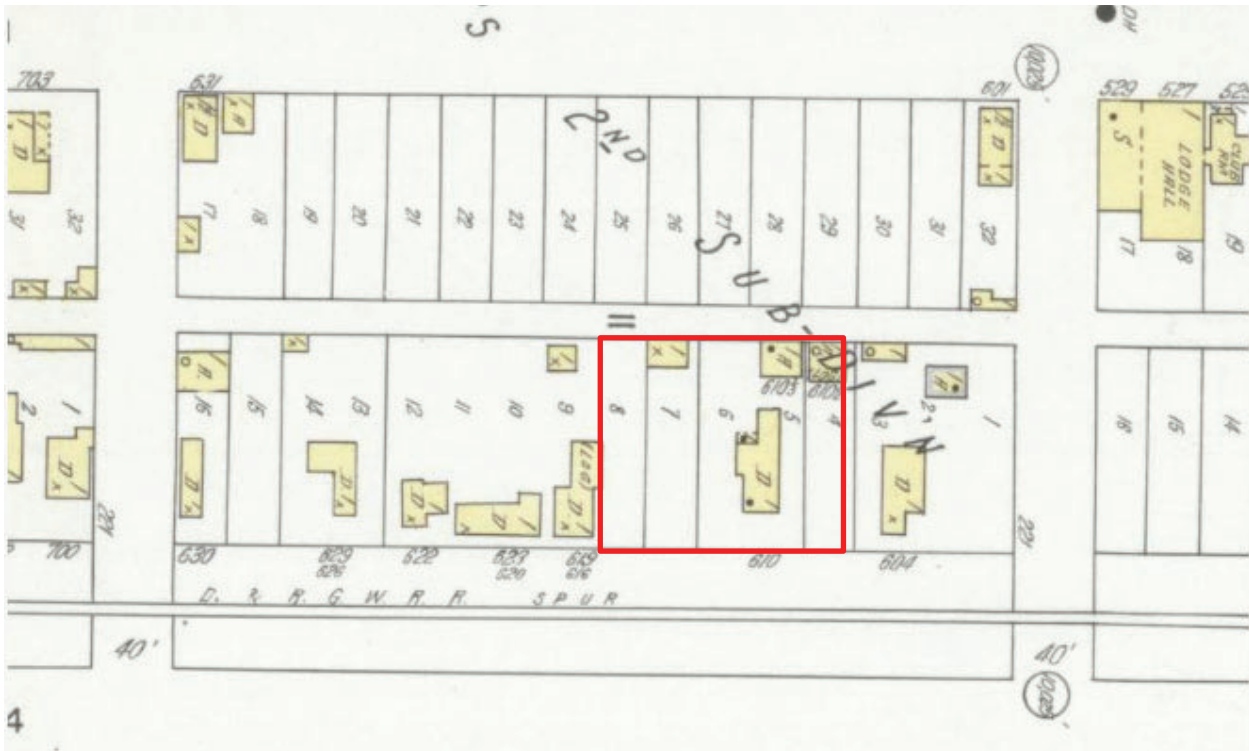


Image 6 (Above): 1889 Sanborn fire insurance map excerpt, with property highlighted in red.

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



According to the Sanborn maps above, the two-story building has existed since 1889, and traditionally serving as a single-family dwelling. The building was used more recently as a chiropractic office.

Staff Comments

This application is subject to the zoning code in effect at the time of application, and is not subject to Ordinance No. 2, Series 2023. This ordinance changed the use allowance for 3-4 unit multi-family dwellings in the Commercial zoning district to a by-right use, but two-family dwelling use remains a Conditional Use in the Commercial zoning district.

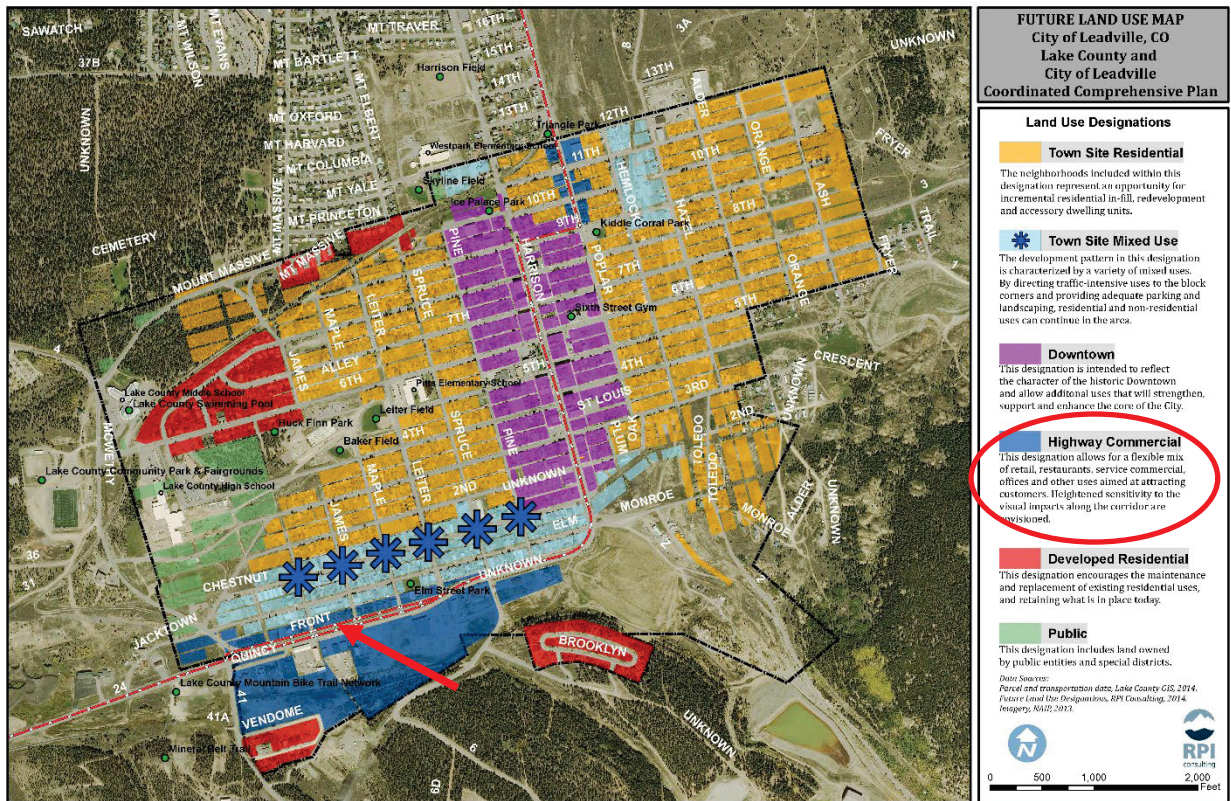
17.48.010 – By Right, Conditional, and Prohibited Uses: This subject property is located within the Commercial/Highway Business (C) zoning district. Within the C zoning district, “two-family dwellings” are only allowed as a Conditional Use requiring a public hearing.

The general intent statement in the Zoning code preceding the specific regulations for the TC zone district states: *“This district is created for the purposes of providing for tourism and automobile oriented business and commercial, office and retail services along the city's major highway approaches, and providing for the scenic and visual enhancement of those major highway approaches to Leadville. Consequently, the visual appearance and contribution to attractiveness of Leadville's gateways shall be a significant characteristic of all new and expanded development in this district.”* While this statement is not a code-criteria for approval, it emphasizes the importance of a highway gateway entrance that is commercial in character. Note that residential use is not mentioned in the general intent statement. This is evaluated in more detail in the criteria discussion below.

17.52.040 - Criteria for action on an application for conditional use.

A. That the proposed conditional use conforms to the requirements and provisions of this zoning regulation; The only proposed exterior modification is a new egress window for a bedroom, so there are not any issues concerning setbacks, height, or lot coverage with this application. The property is 0.274 acres and the C zoning district allows 9 dwelling units per acre, so the property is allowed to have the two (2) proposed dwelling units (0.274 acres x 9 du/ac = 2.466 dwelling units allowed).

B. That the proposed conditional use is consistent with and in compliance with the Leadville comprehensive plan, as amended; The property lies within the “Highway Commercial” land use designation of the [Comprehensive Plan’s Future Land Use Plan](#) of the designates the property, which is a designation that “allows for a flexible mix of retail, restaurants, service commercial, offices and other uses aimed at attracting customers. Heightened sensitivity to the visual impacts along the corridor are envisioned. Similar to the Highway Commercial zoning district, the Future Land Use plan also does not contemplate residential use within this area.



C. That the proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area; This property is the only property not currently used for residential use on the block bounded by Front St. to the south, Elm St. to the north, Loomis St. to the west, and James St. to the east. Considering all of the immediately adjacent land uses are either single-family or two-family residential dwellings, staff does not have any concern regarding compatibility of the proposed use with the neighboring land use. Of the 17 properties along Front St., 11 (65%) are residential uses. Considering these existing land use patterns, staff finds the proposed use meets this criteria.

D. That the proposed conditional use will not result in overly intensive use of the land relative to the surrounding land; This is a large property consisting of five (5) lots. The building is centrally located on the property, providing ample buffering between adjacent properties. Considering the ample buffering,

staff does not find the proposed residential use will be overly intensive. Short-term rentals are regulated by Chapter 5.12 – Short-Term Rentals. Staff has added a Condition of Approval that any short-term rental use of the proposed two-family dwelling must comply with Chapter 5.12 of the Leadville Municipal Code.

E. That the proposed conditional use will not result in excessive traffic congestion or hazards to vehicular or pedestrian traffic; Staff does not have any concerns regarding excessive traffic, considering the site has ample off-street parking. Staff estimates that six (6) vehicles could park on the property, minimizing the need for guests and residents to park along Front St. Vehicles would back directly onto the Front St. right-of-way, which is discouraged by the off-street parking requirements but is normal and customary throughout Leadville.

F. That the proposed conditional use will not unnecessarily scar the land on which such use would be located and that the site be free from loose piles of soil or other materials and open, unprotected pits or holes; N/A.

G. That the proposed conditional use will not be likely to prove detrimental to the public health, safety or welfare of city residents nor cause hardship for neighboring persons; Staff finds the proposed residential use is compatible with neighboring residential uses. Short-term rentals are regulated by Chapter 5.12 - Short-Term Rentals. Staff has added a Condition of Approval that the applicant shall obtain any required permits from the Lake County Building Dept. prior to using the property as a two-family dwelling.

H. That the proposed site of the conditional use is and will be free from natural and manmade hazards or such hazards as have been identified can and will be adequately mitigated; N/A.

I. That all roadway systems and access roads will be open and readily accessible to police, fire and other emergency and public safety vehicles on a year-round basis. Staff does not have any concerns regarding access to the property, as the property is immediately adjacent to the paved Front St.

17.76.020 - Off-street parking space requirements

Under the existing zoning code, two-family dwellings are exempt from the off-street parking requirements. Staff estimates that there are six (6) paved off-street parking spaces on the property, including the garage.

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

Other: Staff notes that the proposed use of the upstairs apartment for long-term residential use is voluntary, and there are not any zoning code requirements at this time for the applicant to deed restrict the proposed long-term residential apartment to community housing.

Questions for the Commission

1. Considering the proposed residential use is 1) surrounded by residential uses, 2) the last property on the block to be residential use, and 3) consistent with the predominant residential use along Front St., does the Commission support the proposed change of use?

Recommendation

Staff has evaluated this application for compliance with Title 17 Zoning of the Leadville Municipal Code. Pending the Commission's responses to the question above, staff finds the proposal complies with this title. Staff recommends the Planning and Zoning Commission recommend the City Council approve the

Engelbach Change of Use Conditional Use Permit, PL-2023-007, located at 610 Front St., along with the attached Findings and Conditions.

Recommended motion: *“I move the Planning and Zoning Commission recommended the City Council approve the Engelbach Change of Use Conditional Use Permit, PL-2023-007, located at 610 Front St., along with the attached Findings and Conditions.”*

CITY OF LEADVILLE

**Engelbach Change of Use from Commercial Office to Two-Family Dwelling
Oro Addition, Block 11, Lots 5,6,7,8
Conditional Use Permit
PL-2023-007**

FINDINGS

1. The proposed conditional use conforms to the requirements and provisions of this zoning regulation.
2. The proposed conditional use is consistent with and in compliance with the Leadville Comprehensive Plan, as amended.
3. The proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area.
4. The proposed conditional use will not result in overly intensive use of the land relative to the surrounding land.
5. The proposed conditional use will not result in excessive traffic congestion or hazards to vehicular or pedestrian traffic.
6. The proposed conditional use will not unnecessarily scar the land on which such use would be located and that the site be free from loose piles of soil or other materials and open, unprotected pits or holes.
7. The proposed conditional use will not be likely to prove detrimental to the public health, safety or welfare of city residents nor cause hardship for neighboring persons.
8. The proposed site of the conditional use is and will be free from natural and manmade hazards or such hazards as have been identified can and will be adequately mitigated.
9. All roadway systems and access roads will be open and readily accessible to police, fire and other emergency and public safety vehicles on a year-round basis.
10. This approval is based on the staff report dated **July 26, 2023** and findings made by the City Council with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
11. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the City of Leadville, and at the hearing on the project held on **July 26, 2023** and **August 1, 2023** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the City of Leadville.
2. If the terms and conditions of the approval are violated, the City, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop work order requiring the cessation of work, revoke this permit, or require removal of any improvements made in reliance upon this permit. The payment of any costs incurred by the City related to enforcement actions related to violations of this permit shall be the sole responsibility of the applicant and shall constitute a lien on the property.
3. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the staff report and application.
4. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the City. A certificate of occupancy or certificate of compliance will be issued only in accordance with the City's planning requirements/codes and building codes.
5. **Any short-term rental use of the proposed two-family dwelling must comply with Chapter 5.12 of the Leadville Municipal Code.**
6. **Applicant shall obtain any required permits from the Lake County Building Dept. prior to using the property as a two-family dwelling.**

Letter of Intent

Thomas R Engelbach

610 Front Street, Leadville

To: City of Leadville

Planning & Zoning

This letter of intent is to support the application for a Conditional Use Permit at 610 Front St. The owner, Thom Engelbach, proposes to change the use of this 2-story building from commercial offices to a residential duplex. Before Mr. Engelbach purchased the building in December 2022, the location was used as a chiropractor's office with a one-bedroom apartment above. If the new use is approved, the building will supply much-needed housing for the City. The owner plans to provide licensed, short-term rental accommodation in the lower unit for sports enthusiasts and others visiting Leadville. The upper level apartment will be for long term residents.

The parcel is the West 19 feet of Lot 4 and all of Lots 5,6,7, and 8, Oro Addition, Block 11, County of Lake and State of Colorado.

It is zoned Commercial, which allows for 9 dwelling units per acre. At .274 acres, this parcel would allow two dwelling units. Both units will exceed the 600 sf threshold for minimum dwelling size.

The upper unit would provide affordable rental housing in Leadville, aligning with the objectives of the Leadville Comprehensive Plan. The lower unit would also support the plan's economic objectives by providing desirable accommodations for small groups of runners, hikers, and skiers that visit Leadville for sports events and support local businesses.

As the neighboring properties are currently in use as residential housing, the proposed duplex is consistent with the land use in the area. The use will not be more intensive than its previous function as a commercial office.

The house is served by a secondary street, Front Street, and its own driveway which are separated from Highway 24 and should not cause undue hazards to pedestrians or vehicular traffic. There will not be a significant increase in the volume of traffic or number of vehicles using the property.

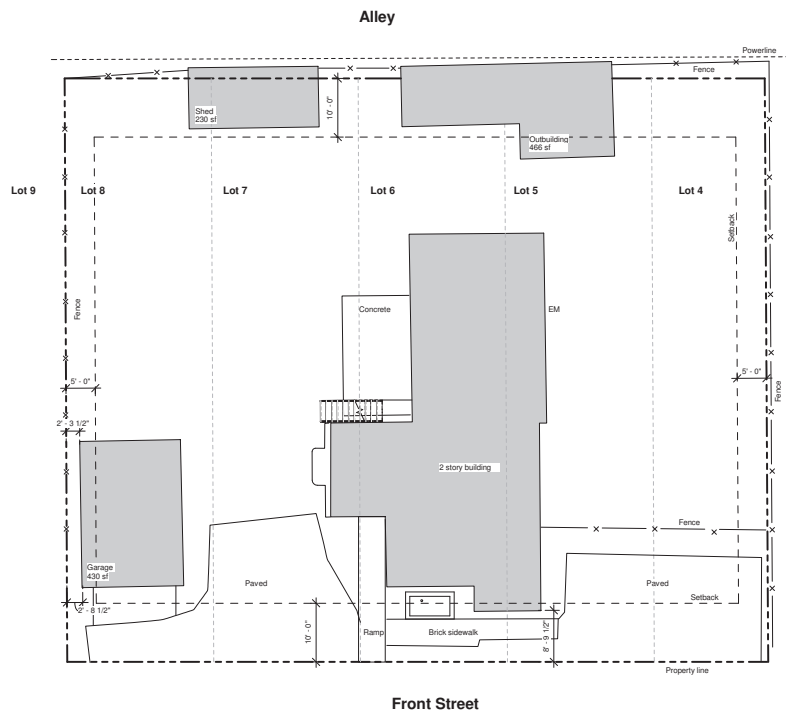
No excavation activities or scarring of the land are planned for the property or will result from the proposed use.

The proposed residential use will be consistent with the current neighborhood character and will not be detrimental to the health, safety, and welfare of the adjacent residents. There will be no introduction of hazards to the location and any safety or building code issues that arise will be addressed promptly. The street serving the property, Front Street, will remain clear and accessible to police, fire, and public safety vehicles.

Respectfully submitted,

Thomas R Engelbach

06/26/2023



1 Site plan
1" = 10'-0"

Sheet List	
Sheet Name	Sheet Number
Cover / Site	A0
Plan	A1
Second floor	A1.1
Basement plan	A1.2

Building codes used:
 2012 IRC, with Amendments
 2012 IMC
 2012 IPC
 2012 EFC
 2012 EBC

Owner : Thom Engelbach
 Ph: 303-818-2111

Parcel #2653-261-26-008
 Parcel area : 11,944 sf / .274 ac
 Zoned C
 Area :
 Basement 234 sf
 Level 1 1507 sf
 Level 2 861 sf

General Contractor
 Colorado Choice Builders
 Thom Engelbach
 PO Box 7952 Boulder CO 80306
 303-818-2111
 thomas.engelbach@gmail.com

Thom Engelbach
PROJECT FILE
 610 Front St.
 Leadville CO 80461

610 Front St.

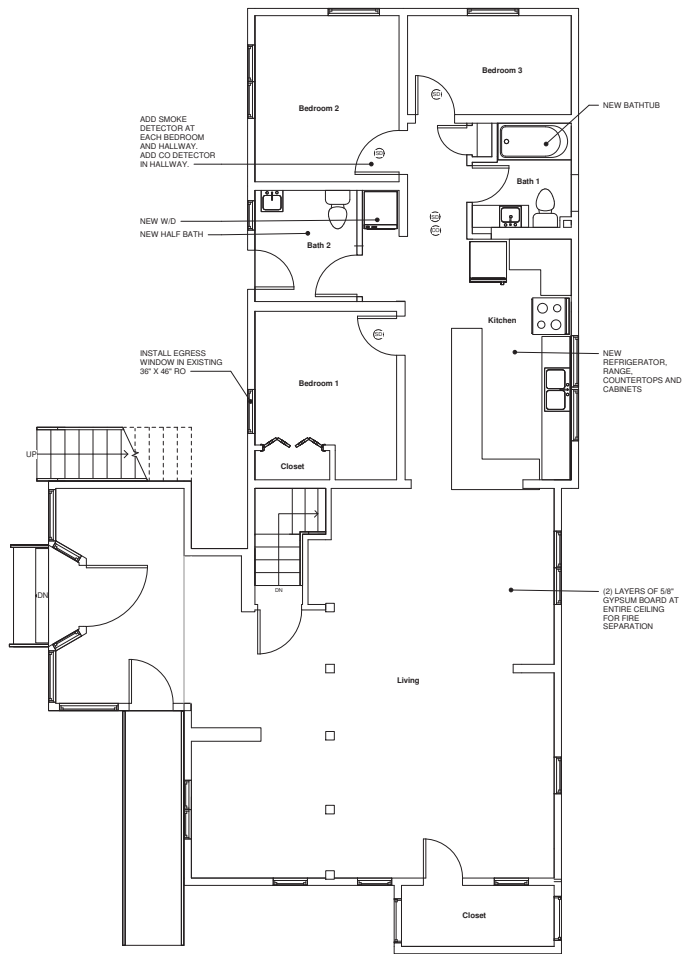
No.	Description	Date
1	Schematic design	09-21-2023

Cover / Site

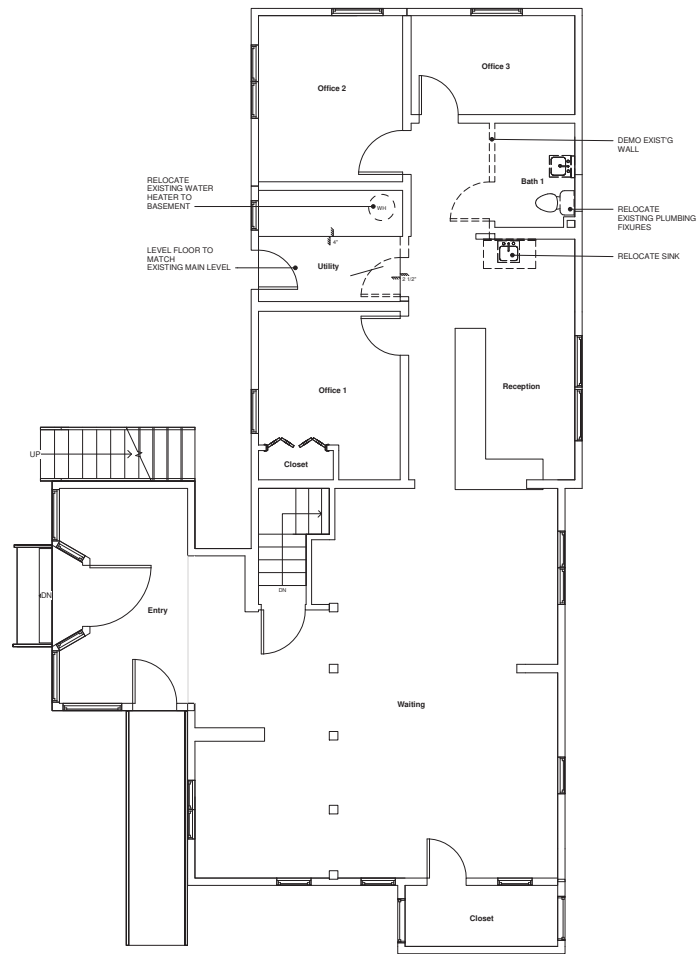
Date
 Drawn by BE

A0

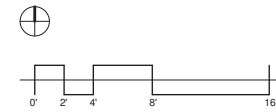
Scale 1" = 10'-0"



② First floor plan - proposed
1/4" = 1'-0"



① First floor plan - existing
1/4" = 1'-0"



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610 Front St.

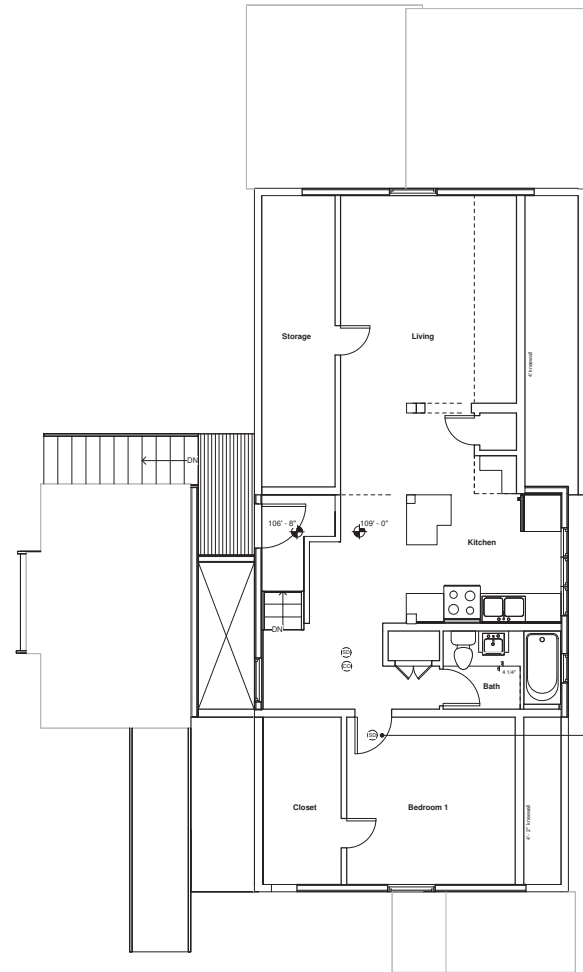
No.	Description	Date
1	Schematic design	09-21-2023

Plan

Date: _____ Author: _____
Drawn by: _____

A1

Scale 1/4" = 1'-0"



ADD SMOKE DETECTOR AT BEDROOM AND SMOKE DETECTOR AND CO DETECTOR IN HALL

① Second floor (existing to remain)
1/4" = 1'-0"

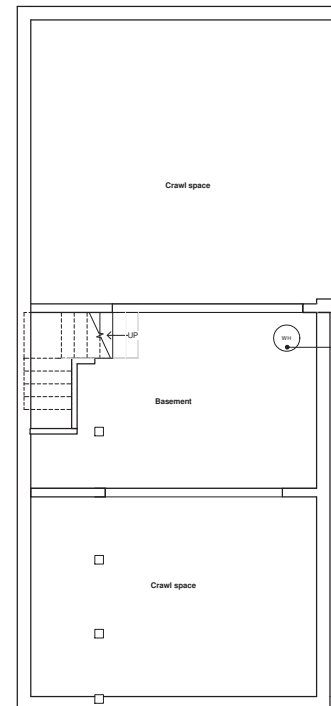
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610 Front St.
Leadville CO 80461
610 Front St.

No.	Description	Date
1	Schematic design	09.21.2023

Second floor

Date _____
 Drawn by _____ Author
A1.1
 Scale 1/4" = 1'-0"



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Thom Engelbach
 610 Front St.
 Leadville CO 80461
610 Front St.

No.	Description	Date
1	Schematic design	09-21-2023

Basement plan

Date _____ Author _____

A1.2

Scale 1/4" = 1'-0"

① Basement
 1/4" = 1'-0"